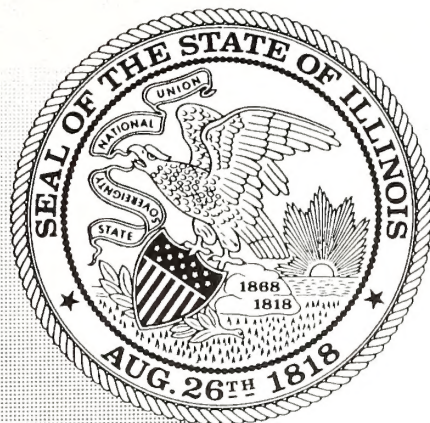


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# ***Illinois Register***

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Rules of Governmental Agencies

Volume 20, Issue 13 — March 29, 1996

Pages 4850 - 5103

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(217) 782-7017

published by  
**George H. Ryan**  
Secretary of State

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**Illinois Gateway**

Secretary of State • George H. Ryan

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<http://www.sos.state.il.us>

## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
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Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
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June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Electronic Fund Transfers2) Code Citation: 38 Ill. Adm. Code 3103) Section Numbers:

310.110 Repeal  
 310.210 Repeal  
 310.220 Repeal  
 310.230 Repeal  
 310.240 Repeal  
 310.250 Repeal  
 310.260 Repeal  
 310.270 Repeal  
 310.310 Repeal  
 310.320 Repeal  
 310.330 Repeal  
 310.340 Repeal  
 310.350 Repeal  
 310.360 Repeal  
 310.370 Repeal  
 310.410 Repeal  
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 310.430 Repeal  
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 310.830 Repeal  
 310.840 Repeal  
 310.850 Repeal  
 310.860 Repeal  
 310.870 Repeal  
 310.880 Repeal  
 310.890 Repeal  
 310.910 Repeal

4) Statutory Authority: Section 20-1 of the Electronic Fund Transfer Act

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

[205 ILCS 616/20(1)].

5) A Complete Description of the Subjects and Issues Involved: Repeal of this Part is necessary as a result of the enactment of P.A. 89-310, effective January 1, 1996, which repealed the Electronic Fund Transfer Transmission Facility Act from which the Part derived its statutory authority. P.A. 89-310 replaced the Electronic Fund Transfer Transmission Act with the new Electronic Fund Transfer Act. For purposes of clarity, new rules will be proposed to implement the relevant sections of the Electronic Fund Transfer Act.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This Rule does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

Scott D. Clarke  
 Acting Commissioner  
 Commissioner of Banks and  
 Trust Companies  
 500 East Monroe Street  
 Springfield, IL 62701  
 (217) 782-7966

Patrick F. Andre  
 Division Counsel  
 Commissioner of Banks and  
 Trust Companies  
 310 South Michigan Avenue, Suite 2130  
 Chicago, IL 60604  
 (312) 793-2043

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses are not affected by this rule.

B) Reporting, bookkeeping or other procedures required for compliance:  
 N/A

C) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

The full text of the Proposed Repealer begins on the next page:

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES

## PART 310

## ELECTRONIC FUND TRANSFERS (REPEALED)

## SUBPART A: SCOPE AND AUTHORITY (Repealed)

## Section

310.110

Scope and Authority (Repealed)

## SUBPART B: DEFINITIONS

## Section

310.210

Definitions

## SUBPART C: ARBITRATION OF DISPUTES

## Section

310.310

Scope and Authority

310.320

Statement of Claim, Response and Reply

310.330

Motions

310.340

Appearances

310.350

Appointment of Hearing Officer

310.360

Service

310.370

Procedures

## SUBPART D: AUTOMATIC TELLER MACHINES

## Section

310.410

Notice of Intent to Establish an Off-Premise Automatic Teller Machine(s)

310.420

Notice of Use of Automatic Teller Machine(s) (Repealed)

310.430

Availability and Sharing of EFT Terminal(s), Transmission Facilities and Similar Facilities

310.440

Dual Functioning Information Processing Machines (Repealed)

## SUBPART E: CONSUMER PROTECTION

## Section

310.510

Consumer Protection

SUBPART F: FUNDS TRANSFER CORPORATIONS AND  
TRANSMISSION FACILITIES

## Section

310.610

Application to Establish and Operate a Funds Transfer Corporation and  
Transmission Facility



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

310.620 Examination of Funds Transfer Corporations and Transmission Facilities  
 310.630 Annual Report of Funds Transfer Corporation  
 310.640 Hearings (Repealed)  
 310.650 Funds Transfer Corporation Annual Report - Multiple Network Services  
 310.660 Quarterly Reports  
 310.670 Changes in Management, Operations and Ownership  
 310.680 Merger or Consolidation  
 310.690 Filing Standard Form Agreements  
 310.700 Fees and Charges

## SUBPART G: POINT OF SALE TERMINALS (Repealed)

Section  
 310.710 Notice of Intent to Serve a Point of Sale Terminal(s) (Repealed)

## SUBPART H: PROPRIETARY NETWORKS AND SIMILAR FACILITIES

Section  
 310.810 Application to Establish and Operate a Proprietary Network and Similar Facility(ies)  
 310.820 Examination of Proprietary Networks and Similar Facilities  
 310.830 Annual Report of Proprietary Networks  
 310.840 Proprietary Network Annual Report - Multiple Network Services  
 310.850 Quarterly Reports  
 310.860 Changes in Management, Operations and Ownership  
 310.870 Merger or Consolidation  
 310.880 Filing Standard Agreements  
 310.890 Fees and Charges

## SUBPART I: INTERSTATE ELECTRONIC FUND TRANSFER TRANSACTIONS

Section  
 310.910 Filing of Interstate Sharing Agreements

AUTHORITY: Implementing and authorized by Sections 5-100, 5-101, 6-101, 6-102, 6-104, 8-101, 8-102, 8-103, 9-100, 9-101, 9-102, 9-103, 9-104, 9-106, 9-107, 9-111, 10-100 and 10-101 of the Electronic Fund Transfer Transmission Facility Act (Ill. Rev. Stat. 1991, ch. 17, pars. 1324, 1325, 1328, 1329, 1331, 1337, 1338, 1339, 1340, 1343, 1344, 1345, 1346, 1347, 1349, 1350, 1354, 1355 and 1356).

SOURCE: Emergency rule at 3 Ill. Reg. 48, p. 202, effective November 21, 1979, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 11, p. 83, effective March 5, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 14, p. 145, effective April 4, 1980; emergency amendment at 4 Ill. Reg. 20, p. 105, effective May 10, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 25, p. 205, effective June 11, 1980, for a maximum of 150 days;

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

amended at 4 Ill. Reg. 31, p. 29, effective August 1, 1980; amended at 4 Ill. Reg. 38, p. 131, effective September 19, 1980; amended at 4 Ill. Reg. 38, p. 138, effective September 19, 1980; amended at 4 Ill. Reg. 42, p. 8, effective October 17, 1980; emergency amendment at 6 Ill. Reg. 216, effective January 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11476, effective September 15, 1982; amended at 6 Ill. Reg. 11476, effective October 1, 1982; amended at 7 Ill. Reg. 4120, effective March 30, 1983; codified at 8 Ill. Reg. 3275; amended at 12 Ill. Reg. 17774, effective October 20, 1988; emergency amendment at 16 Ill. Reg. 10353, effective June 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17589, effective November 6, 1992; repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: SCOPE AND AUTHORITY (Repealed)

## Section 310.110 Scope and Authority (Repealed)

## SUBPART B: DEFINITIONS

## Section 310.210 Definitions

The words and phrases used in this Part and not defined in this Section shall have the meanings ascribed to them in the Electronic Fund Transfer Transmission Facility Act (Ill. Rev. Stat. 1987, ch. 17, pars. 1301 et seq.) as now or hereafter amended.

"Act" means the Electronic Fund Transfer Transmission Facility Act, (Ill. Rev. Stat. 1987, ch. 17, par. 1301 et seq.) as now or hereafter amended.

"automatic teller machine location" means the area on which one or more automatic teller machines are located and areas contiguous thereto which the establishment of the automatic teller machine has the exclusive right as owner or lessee to use or maintain for egress or ingress provided no automatic teller machine at the same location may be more than 200 feet, measured vertically or horizontally, from any other automatic teller machine to be deemed at the same location.

"Electronic Fund Transfer (EFT) terminal" means an automatic teller machine or point of sale terminal as defined in Section 3-103.1 and 3-112 of the Act (Ill. Rev. Stat. 1987, ch. 17, pars. 1306.1 and 1315), which performs the transactions permitted under Section 8-104 of the Act (Ill. Rev. Stat. 1987, ch. 17, par. 1341). EFT terminal does not include a terminal which may perform any transactions permitted by the Act that is not available to the general public and is used by a person to access accounts held by the person at a financial institution.

"hearing officer" means the Commissioner or an attorney licensed in the State of Illinois who is the presiding official appointed by the

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

Commissioner to conduct a hearing.

"off-premise" with respect to any automatic teller machine established by a financial institution, means a location other than the area on which such financial institution is located and the areas contiguous thereto which such financial institution has the exclusive right as owner or lessee to use or maintain for egress or ingress or for parking in connection with such financial institution.

"party" as the term is used in Subpart C of this Part includes the Claimant and Respondent to an administrative decision.

"point of sale terminal location" means the area on which a point of sale terminal is located and areas contiguous thereto which the establisher of the point of sale terminal has the exclusive right as owner or lessee to use or maintain for egress or ingress.

"share, shared or sharing" means an arrangement between two or more financial institution(s), proprietary network(s), funds transfer corporation(s) or person(s) establishing point of sale terminals to provide financial institution customers access to their accounts through one or more EFT terminals.

## SUBPART C: ARBITRATION OF DISPUTES

## Section 310.310 Scope and Authority

Pursuant to Sections 5-100, 8-101, 8-102 and 8-105 of the Act, these rules establish the procedure for arbitration of disputes by the Commissioner of Banks and Trust Companies ("Commissioner"). It is expected that prior to invoking the procedures established in Section 310.320 the parties shall make an effort to settle their disputes.

## Section 310.320 Statement of Claim, Response and Reply

- a) A person desiring arbitration, hereafter called "Claimant", shall file with the Commissioner a Statement of Claim which shall:
  - 1) identify the parties to the dispute;
  - 2) set forth a brief statement of facts giving rise to the Statement of Claim;
  - 3) state the legal basis for the claim;
  - 4) state the relief which Claimant requests or to which it deems itself entitled;
  - 5) be signed by the Claimant or by the Claimant's attorney and contain the address and telephone number of the individual signing the Statement of Claim. There shall be attached to the Statement of Claim as an exhibit a copy of any agreement between the Claimant and the person against whom relief is sought,

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

hereafter referred to as "Respondent" and also a copy of any other document upon which Claimant relies. Claimant shall at the time of filing also serve a copy of the Statement of Claim together with attached exhibits upon the Respondent; and

- 6) state whether or not the Claimant desires a hearing.
- b) Claimant, by filing a Statement of Claim, shall be deemed to have waived any rights under Sections 5-100, 8-101, 8-102 and 8-105 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.
- c) Within twenty (20) days after service of the Statement of Claim upon the Respondent, or within such additional time as the Commissioner may grant for good cause shown, the Respondent may file a Response which shall be delivered to the Commissioner and a copy served upon the Claimant. All requests for extension shall be in writing. In determining whether to grant an extension the Commissioner shall consider such factors as: availability of party's counsel; unavailability of personnel necessary to prepare the Response. The Response shall state whether or not the Respondent desires a hearing. Respondent, by filing a Response, shall be deemed to have waived any rights under Sections 5-100, 8-101, 8-102, and 8-105 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision. Any Respondent who wishes to seek court action shall file a Responsive Statement to that effect with the Commissioner and the Claimant within twenty (20) days after service of the Statement of Claim upon the Respondent. Within thirty (30) days after filing the Responsive Statement, the Respondent shall file or cause to be filed original pleadings seeking court action and shall file a certified copy of such pleadings with the Commissioner. Any Respondent who fails to file a Responsive Statement or who thereafter fails to file the pleading instituting such court action, shall be deemed to have waived their rights under Sections 5-100, 8-101, 8-102, and 8-105 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.
- d) Claimant may file a Reply within twenty (20) days after receipt of the Response. Such Reply shall be delivered to the Commissioner and a copy served upon the Respondent.
- e) If upon reviewing the Statement of Claim, Response and Reply thereto, if any, the Commissioner finds that neither party has requested a hearing, he shall:
  - 1) make an administrative decision based on the parties' Statement of Claim, Response and Reply thereto, if any; or
  - 2) make a determination that a hearing be held. The Commissioner shall make a determination that a hearing be held if the facts are in dispute or it is apparent additional information is necessary.
- f) If the Commissioner determines that a hearing should be held, he shall within fourteen (14) days of expiration of the twenty (20) day period



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

- n) Construction of Rules, by Section 392.240.

## SUBPART D: AUTOMATIC TELLER MACHINES

### Section 310.410 Notice of Intent to Establish an Off-Premise Automatic Teller Machine(s)

- a) Scope. Any financial institution which intends to establish an off-premise automatic teller machine which will not be directly connected to a funds transfer corporation or proprietary network approved pursuant to Section 6-102 of the Act, and will not be included in reports filed pursuant to Sections 310.630, 310.660, 310.830 and 310.850 of this Part, shall so notify the Commissioner.

- b) Form of Notice. Notice of intent to establish an off-premise automatic teller machine shall be on a form adopted by the Commissioner.

- c) Procedure.

- 1) The original of the notice together with any necessary attachments shall be filed with the Commissioner at least forty-five (45) days prior to the intended operation of such automatic teller machine. The forty-five (45) day period shall not commence until the notice is complete. The Commissioner shall determine the completeness of the notice within fifteen (15) business days after receipt.

- 2) A financial institution shall notify the Commissioner in writing of the intent to discontinue operation of an off-premise automatic teller machine location for which the Commissioner has acknowledged a notice at least ten (10) days prior to the discontinuance.

- d) Contents of Notice. Notice shall include:

- 1) the location and proposed number of automatic teller machine(s) at that location;
- 2) the number of off-premise automatic teller machine locations already established by such financial institution;
- 3) a general description of the areas where the off-premise automatic teller machine(s) will be located;
- 4) the kinds of transactions that will be performed by the automatic teller machine(s) pursuant to Section 8-104 of the Act;
- 5) whether the automatic teller machine(s) will be shared;
- 6) if the automatic teller machine is shared, the name and business address of the chief executive office of the funds transfer system authorized by law in other states to which the automatic teller machine(s) will be directly connected; and
- 7) any other information the Commissioner determines is pertinent to the ownership, establishment and operation of the automatic teller machine (i.e., other uses of the machine, lease or sublease agreements for the machine or the property on which the machine will be located).

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

within which Claimant may file a Reply notify the parties in writing as to the date, time and place of the hearing.

### Section 310.340 Appearances

- a) A party may appear on such party's own behalf or may be represented by an attorney.
- b) An attorney who represents a party shall file an appearance with the hearing officer which shall state the party so represented, and the name, address and telephone number of the attorney.

### Section 310.350 Appointment of Hearing Officer

The Commissioner shall send notice of the appointment of a hearing officer to all parties together with the name and address of the hearing officer appointed.

### Section 310.360 Service

The original of all pleadings, including but not limited to all Statements of Claim, Responses, Responsive Statements, Replies, Motions and Responses to Motions shall be served upon the Commissioner at Suite 100, 117 South Fifth St., Springfield, IL 62701. A copy shall be served upon the hearing officer, if any. Pleadings shall be served upon all persons required to receive them by hand delivery or certified mail. Service upon the attorney of record for a party shall be deemed service upon that party.

### Section 310.370 Procedures

Other procedural matters in the conduct of an arbitration of a dispute shall, to the extent not inconsistent with the rules in this Part 310, be governed by the following Sections of 38 Ill. Adm. Code 392 (Hearings Before the Commissioner of Banks and Trust Companies), as now or hereafter amended:

- a) Form of Pleadings, by Section 392.90;
- b) Consolidation of Hearing Proceedings, by Section 392.120;
- c) Authority of Hearing Officer, by Section 392.130;
- d) Prehearing Conferences, by Section 392.140;
- e) Subpoenas, by Section 392.150;
- f) Discovery, by Section 392.160;
- g) Evidence Depositions, by Section 392.170;
- h) Conduct of a Hearing, by Section 392.180 except that in subsections (c), (e) and (g) of such Section, the word "Claimant" shall be substituted for "Commissioner";
- i) Evidence, by Section 392.190;
- j) Record of Hearing Proceedings, by Section 392.200;
- k) Briefs, by Section 392.210;
- l) Hearing Officer's Recommendation, by Section 392.220;
- m) Commissioner's Determination, by Section 392.230; and

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED REPEALER

- e) The Commissioner shall acknowledge the notice within thirty (30) days after receipt of a complete notice unless the Commissioner finds the activities proposed in the notice to be in violation of the Act. A notice shall be deemed complete when all information and attachments required by subsection (d) have been received by the Commissioner. A notice shall be deemed acknowledged if the financial institution which filed the notice has evidence the notice was received by the Commissioner and the Commissioner fails to act on the notice within thirty (30) days after receipt of a complete notice.
- f) Fees. Each notice filed with the Commissioner shall be accompanied by a fee in an amount determined by the Commissioner to cover the cost of processing the notice. In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer division whose services are utilized in processing the notice, clerical personnel services and supplies calculated to be consumed in processing the notice.

**Section 310.420 Notice of Use of Automatic Teller Machine(s) (Repealed)****Section 310.430 Availability and Sharing of EFT Terminal(s), Transmission Facilities and Similar Facilities**

- a) Access to any EFT Terminal that is shared must be provided through a transmission facility or similar facility.
- b) Any EFT terminal established in this state which through a transmission facility or similar facility provides access to accounts held at a financial institution shall be made available on a non-discriminatory basis for use by the customers of any other financial institution which has its principal place of business within this state.
- c) Any transmission facility and any similar facility operating within this state shall be made available on a non-discriminatory basis for use by any transmission facility or similar facility operating within this state and to any financial institution which has its principal place of business within this state.
- d) An agreement pursuant to Section 8-101 of the Act shall be filed with the Commissioner at least forty-five (45) days prior to the date use of the EFT terminal, transmission facility or similar facility is to begin unless such agreement has been previously filed pursuant to Sections 310.690 and 310.890 of this Part. The Commissioner shall acknowledge any agreement which is filed pursuant to this Section within thirty (30) days of receipt of such agreement, unless the Commissioner finds such agreement to be in violation of the Act.

**Section 310.440 Dual Functioning Information Processing Machines (Repealed)**

## SUBPART E: CONSUMER PROTECTION

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**Section 310.510 Consumer Protection**

Unless the Commissioner determines that the adoption of Regulation E, issued by the Board of Governors of the Federal Reserve System (12 CFR 205) would be inconsistent with the Electronic Fund Transfer Transmission Facility Act, Regulation E shall be incorporated as the Commissioner of Banks and Trust Companies Consumer Protection Rules which implement Section 9-101-9-111 of the Electronic Fund Transfer Transmission Facility Act.

## SUBPART F: FUNDS TRANSFER CORPORATIONS AND TRANSMISSION FACILITIES

**Section 310.610 Application to Establish and Operate a Funds Transfer Corporation and Transmission Facility**

- a) Application. Application for approval to establish and operate a funds transfer corporation and transmission facility shall be on a form adopted by the Commissioner.
- b) Procedure.
- 1) The original of the application together with any necessary attachments shall be filed with the Commissioner at least sixty (60) days prior to the intended establishment of such funds transfer corporation and transmission facility. The sixty (60) day period shall not commence until the application is complete. The Commissioner shall determine the completeness of the application within fifteen (15) business days after receipt. The Commissioner shall approve the application upon finding that the requirements of Sections 6-100 and 6-102 of the Act are met.
  - 2) An applicant shall notify the Commissioner of any change in the application prior to its approval.
- c) Contents of Application. Application shall include:
- 1) the name and address of the chief executive office of the funds transfer corporation;
  - 2) a copy of the logo or identification symbol that will be utilized to identify the EFT terminal served by the funds transfer corporation;
  - 3) a copy of the Articles of Incorporation and Bylaws;
  - 4) a list of the names and addresses of the shareholders; and
  - 5) a list of the names and addresses of the participants, their ATM and point of sale POS sites, the number of EFT terminals at each site, the manufacturer and model number of each EFT terminal;
  - 6) a copy of the financial institution sharing agreement, network sharing agreement, the schedule of fees and charges, and any other related agreement that the proprietary network will use in the course of its business with the sharing participants;
  - 7) a copy of the most recent or beginning balance sheet and income and expense statement for the funds transfer corporation;
  - 8) a copy of the agreement between the funds transfer corporation



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and its transmission facility, if they are not one in the same;  
 9 if the transmission facility is financially independent of the funds transfer corporation, attach a copy of the most recent or beginning balance sheet and income and expense statement for the transmission facility;

10) a copy of the most recent independent audit of the transmission facility;

11) a list of all other Illinois financial institutions, proprietary networks, and funds transfer corporations serviced by the transmission facility;

12) a current list of the transmission facility's personnel and indicate whether the personnel are bonded.

13) a list of the manufacturer and model number of all computer hardware to be utilized by the transmission facility;

14) a list of manufacturer and model number of all communications equipment to be utilized by the transmission facility;

15) a list of the software to be utilized by the transmission facility;

16) indicate the specifications for the uniform access device;

17) a description of the services to be provided for EFT terminal support in a shared environment; and

d) Fees. Each application filed with the Commissioner to establish and operate a funds transfer corporation and transmission facility shall be accompanied by a fee in an amount determined by the Commissioner to cover the cost of processing the application. In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer division whose services are utilized in processing the application, clerical personnel services and supplies calculated to be consumed in processing the application.

## Section 310.620 Examination of Funds Transfer Corporations and Transmissions Facilities

a) Examination. The Commissioner shall appoint a person(s) to make an examination, at least once every two years, of the affairs of every funds transfer corporation and transmission facility. Such person shall have the powers to make a thorough examination into all of the affairs of the funds transfer corporation and transmission facility and in so doing to examine any of the officers, employees or agents thereof under oath and shall make a full and detailed report of the condition and affairs of each funds transfer corporation and transmission facility.

b) Fees. The Commissioner shall charge a fee to cover the cost of an examination. In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer division whose services are

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utilized in processing the examination, travel expenses as governed by the Governor's Travel Control Board rules (80 Ill. Adm. Code 2800) and clerical personnel services and supplies calculated to be consumed in the examination.

## Section 310.630 Annual Report of Funds Transfer Corporation

The Commissioner shall issue a request for the annual report. The annual report shall be filed on or before the filing date so specified in the Act covering the funds transfer corporation and its transmission facility's operations for the preceding calendar year. The annual report shall include the following:

- a) all the information required by Section 9-100 of the Act;
- b) the name and address of all funds transfer corporation shareholders;
- c) a copy of the logo or identification symbol used by the funds transfer corporation to identify EFT terminals served by it;
- d) a copy of the logo(s) or identification symbol(s) of any other network or funds transfer system which is displayed on the EFT terminal served by the funds transfer corporation;
- e) total number of automatic teller machine locations served by the funds transfer corporation;
- f) total number of point of sale terminal locations served by the funds transfer corporation;
- g) total number of cardholders that are customers of the Illinois financial institutions that are directly connected to the funds transfer corporation;
- h) the number of intranetwork transactions for each month and a total for the year being reported;
- i) the number of internetwork transactions for each month and a total for the year being reported; and,
- j) if the transmission facility is financially independent of the funds transfer corporation, a balance sheet and income and expense statement for the transmission facility for the year being reported.

## Section 310.640 Hearings (Repealed)

## Section 310.650 Funds Transfer Corporation Annual Report - Multiple Network Servicer

When a single servicer functions as a transmission facility or similar facility to more than one funds transfer corporation or proprietary network, the servicer may file annual report information that is pertinent to the funds transfer corporation's transmission facility one time for it and all other funds transfer corporation(s) and proprietary network(s) to which it provides transmission facility or similar facility services. The servicer shall indicate the funds transfer corporation(s) and proprietary network(s) for which it is filing annual report information. A funds transfer corporation shall indicate in its annual report whether its transmissions facility will be filing

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annual report information separately.

**Section 310.660 Quarterly Reports**

A funds transfer corporation shall file a quarterly report in a format specified by the Commissioner, if the information has changed from the previously filed quarterly report. The report shall be filed within forty-five (45) days following the end of each calendar year quarter. The quarterly report shall include the following:

- a) the name and address of all financial institutions directly connected to the funds transfer corporation;
- b) the name and address of all establishments of point of sale terminals directly connected to the funds transfer corporation;
- c) the address of all EFT terminal sites directly connected to the funds transfer corporation, the number of terminals at each site, and the manufacturer;
- d) the name and address of other Illinois funds transfer corporations and proprietary networks to which the funds transfer corporation is directly connected for sharing; and,
- e) the name and address of out of state funds transfer systems to which the funds transfer corporation is directly connected for sharing.

**Section 310.670 Changes in Management, Operations and Ownership**

A funds transfer corporation shall notify the Commissioner in writing within thirty (30) days of the occurrence of any of the following:

- a) a change in executive officer(s) of the funds transfer corporation;
- b) the funds transfer corporation establishes a new transmission facility; or
- c) the ownership of the funds transfer corporation falls below two hundred (200) financial institutions.

**Section 310.680 Merger or Consolidation**

A funds transfer corporation shall file with the Commissioner a signed copy of the agreement for merger or consolidation of the funds transfer corporations at least sixty (60) days prior to the effective date of merger or consolidation. The Commissioner shall respond with a written approval letter or request for additional information within thirty (30) days after receipt of the merger or consolidation agreement. The Commissioner shall approve the merger or consolidation upon finding that the resulting entity meets the requirements set forth in Section 6-102 of the Act.

**Section 310.690 Filing Standard Form Agreements**

If a funds transfer corporation uses standard form agreements for service, participation, sharing and transaction interchange within a funds transfer corporation and with other networks and EFT systems, intrastate and interstate,

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then these standard form agreements may be filed with the Commissioner one time by the funds transfer corporation pursuant to Sections 6-104, 8-101 and 8-102 of the Act. The funds transfer corporation filing such standard form agreement shall indicate in annual and quarterly reports, for each financial institution and establisher of EFT terminal(s), the standard form agreement(s) to which the financial institution or establisher of EFT terminal(s) is a party.

**Section 310.700 Fees and Charges**

A schedule of all fees and charges for service, participation, sharing and interchange associated with the use and operation of EFT terminals, or any other fee or charge controlled by or agreed to by the funds transfer corporation or transmission facility and other parties, (i.e., other networks, financial institutions or other EFT service providers), shall be filed with the Commissioner along with the annual report and any agreement that is required by the Act to contain fees and charges. In the schedule of fees for interchange of electronic fund transfers (transaction fees), the schedule shall indicate for each transaction how much of each fee goes to the EFT terminal establisher, funds transfer corporation, proprietary network, transmission facility, similar facility and any other recipient (i.e., other networks, financial institutions or other EFT service providers). All changes to the fee schedule shall be filed with the Commissioner at least thirty (30) days prior to the date the new fee or charge will take effect. This shall be done by filing a complete new schedule which shows the changes indicated by underlining the new fees or charges. Any agreements filed with the Commissioner affected by the change shall be identified.

## SUBPART G: POINT OF SALE TERMINALS (Repealed)

**Section 310.710 Notice of Intent to Serve a Point of Sale Terminal(s) (Repealed)**

## SUBPART H: PROPRIETARY NETWORKS AND SIMILAR FACILITIES

**Section 310.810 Application to Establish and Operate a Proprietary Network and Similar Facility(ies)**

- a) Application. Application for approval to establish and operate a proprietary network and similar facility(ies) shall be on a form adopted by the Commissioner.
- b) Procedure.

1) The original of the application together with any necessary attachments shall be filed with the Commissioner at least sixty (60) days prior to the intended establishment of such proprietary network and similar facility(ies). The sixty (60) day period shall not commence until the application is complete.

2) An applicant shall notify the Commissioner of any change in the application prior to its approval. The Commissioner shall



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determine the completeness of the application within fifteen (15) business days after receipt.

## c) Contents of Application. Application shall include:

- 1) the name and address of the chief executive officer of the proprietary network;
- 2) a copy of the logo or identification symbol that will be utilized to identify the EFT terminals served by the proprietary network;
- 3) a copy of the Articles of Incorporation and Bylaws (if applicable);
- 4) a list of the names and addresses of the owners of the proprietary network;
- 5) a list of the names and addresses of the participants, their ATM and POS sites, the number of EFT terminals at each site, and the manufacturer and model number of each terminal;
- 6) a copy of the financial institution sharing agreement, network sharing agreement, the schedule of fees and charges, and any other related agreement that the proprietary network will use in the course of its business with the sharing participants;
- 7) a copy of the most recent or beginning balance sheet and income and expense statement for the proprietary network;
- 8) a copy of the agreement between the proprietary network and its similar facility, if they are not one in the same;
- 9) if the similar facility is financially independent of the proprietary network attach a copy of the most recent or beginning balance sheet and income and expense statement for the similar facility;
- 10) a copy of the most recent independent audit of the similar facility;
- 11) a list of all other Illinois financial institutions, proprietary networks, and funds transfer corporations serviced by the similar facility;
- 12) a current list of the similar facility's personnel and indicate whether the personnel are bonded;
- 13) a list of the manufacturer and model number of all computer hardware to be utilized by the similar facility;
- 14) a list of the manufacturer and model number of all communications equipment to be utilized by the similar facility;
- 15) a list of the software to be utilized by the similar facility;
- 16) indicate the specifications for the uniform access device;
- 17) a description of the services to be provided for EFT terminal support in a shared environment; and,
- 18) a copy of the settlement procedures and sample reports.

## d) Fees. Each application filed with the Commissioner to establish and operate a proprietary network and similar facility(ies) shall be accompanied by a fee in an amount determined by the Commissioner to cover the cost of processing the application. In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer

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division whose services are utilized in processing the application, clerical personnel services and supplies calculated to be consumed in processing the application.

**Section 310.820 Examination of Proprietary Networks and Similar Facilities**

- a) Examination. The Commissioner shall appoint a person(s) to make an examination at least once every two years of the affairs of every proprietary network and similar facility. Such a person shall have the power to make thorough examination into all of the affairs to each proprietary network and similar facility and in so doing to examine any of the officers, employees or agents thereof under oath and shall make a full and detailed report of the condition and affairs of each proprietary network and similar facility.
- b) Fees. The Commissioner shall charge a fee to cover the cost of an examination. In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer division whose services are utilized in processing the examination, clerical personnel services, travel expenses as governed by the Governor's Travel Control Board rules (80 Ill. Adm. Code 2800) services and supplies calculated to be consumed in the examination.

**Section 310.830 Annual Report of Proprietary Networks**

The Commissioner shall issue a request for the annual report. The annual report shall be filed on or before the filing date so specified in the Act covering the proprietary network and its similar facility's operations for the preceding calendar year. The annual report shall include the following:

- a) all the information required by Section 9-100 of the Act;
- b) the name and address of all the owners of the proprietary network;
- c) a copy of the logo or identification symbol used by the proprietary network to identify EFT terminals served by it;
- d) a copy of the logo(s) or identification symbol(s) of any other network of funds transfer system which is displayed on the EFT terminals served by the proprietary network;
- e) total number of automatic teller machine locations served by the proprietary network;
- f) total number of point of sale terminal locations served by the proprietary network;
- g) total number of cardholders that are customers of the Illinois financial institutions that are directly connected to the proprietary network;
- h) the number of intranetwork transactions for each month and a total for the year being reported;
- i) the number of internetwork transactions for each month and a total for the year being reported; and
- j) if the similar facility is financially independent of the proprietary

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network a balance sheet and income and expense statement for the similar facility for the year being reported.

**Section 310.840 Proprietary Network Annual Report - Multiple Network Servicer**

When a single servicer functions as a similar facility or transmission facility to more than one proprietary network or funds transfer corporation, the servicer may file the annual report information that is pertinent to the proprietary network's similar facility one time for it and all other proprietary network(s) and funds transfer corporation(s) to which it provides similar facility or transmission facility services. The servicer shall indicate the funds transfer corporation(s) and proprietary network(s) for which it is filing annual report information. A proprietary network shall indicate in its annual report whether its similar facility will be filing annual report information separately.

**Section 310.850 Quarterly Reports**

A proprietary network shall file a quarterly report in a format specified by the Commissioner if the information has changed from the previously filed quarterly report. The report shall be filed within forty-five (45) days following the end of each calendar year quarter. The quarterly report shall contain the following:

- the name and address of all financial institutions directly connected to the proprietary network;
- the name and address of all establishments of point of sale terminals directly connected to the proprietary network;
- the address of all EFT terminal sites directly connected to the proprietary network, the number of terminals at each site, and the manufacturer;
- the name and address of other Illinois funds transfer corporations and proprietary networks to which the proprietary network is directly connected for sharing; and
- the name and address of out of state funds transfer systems to which the proprietary network is directly connected for sharing.

**Section 310.860 Changes in Management, Operations and Ownership**

A proprietary network shall notify the Commissioner in writing within thirty (30) days of the occurrence of any of the following:

- a change in executive officer(s) of the proprietary network;
- the proprietary network establishes a new similar facility(ies); or
- the ownership of the proprietary network changes from ownership by a financial institution(s) to sole ownership by a non-financial institution(s).

**Section 310.870 Merger or Consolidation**

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A proprietary network shall file with the Commissioner a signed copy of the agreement for merger or consolidation of the proprietary network at least sixty (60) days prior to the effective date of merger or consolidation. The Commissioner shall respond with a letter of approval or request for additional information within thirty (30) days after his receipt of the merger or consolidation agreement. The Commissioner shall approve the merger or consolidation upon finding the requirements of Section 6-102 of the Act are met.

**Section 310.880 Filing Standard Agreements**

If a proprietary network utilizes standard agreements for service, participation, sharing and transaction interchange within a proprietary network and with other networks and EFT systems, intrastate and interstate, then these standard agreements may be filed with the Commissioner one time by the proprietary network. The proprietary network filing such standard agreement shall indicate in annual and quarterly reports, for each financial institution and establishment of EFT terminal(s), the standard agreement(s) to which the financial institution or establishment of EFT terminal(s) is a party.

**Section 310.890 Fees and Charges**

A schedule of all fees and charges for services, participation, sharing and interchange associated with the use and operation of EFT terminals, or any other fee or charge controlled by or agreed to by the proprietary network or similar facility and other parties (i.e., other networks, financial institutions or other EFT service providers), shall be filed with the Commissioner along with the annual report and any agreement that is required by the Act to contain fees and charges. In the schedule of fees for interchange and electronic fund transfers (transaction fees) the schedule shall indicate for each transaction how much of each fee goes to the EFT terminal establishment, funds transfer corporation, proprietary network, transmission facility, similar facility and any other recipient, (i.e., other networks, financial institutions or other EFT service providers). All changes to the fee schedule shall be filed with the Commissioner at least thirty (30) days prior to the date the new fee or charge will take effect. This shall be done by filing a complete new schedule which shows the changes indicated by underlining the new fees or charges. Any agreements filed with the Commissioner affected by the change shall be identified.

**SUBPART I: INTERSTATE ELECTRONIC FUND TRANSFER TRANSACTIONS****Section 310.910 Filing of Interstate Sharing Agreements**

- Procedure. The Illinois financial institution, funds transfer corporation or proprietary network entering into the Interstate Sharing Agreement shall file a copy of the signed and executed agreement at least forty-five (45) days prior to the date sharing is



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- to begin.
- b) Acknowledgment of Receipt. The Commissioner shall acknowledge the agreement within thirty (30) days after receipt of the agreement unless the Commissioner finds the financial institution or the sharing arrangement to be in violation of the Act.
- c) Electronic Fund Transfer Transmissions to other Countries. Electronic fund transfer transmissions to other countries shall be conducted in the same manner as those authorized by Section 6-104 of the Act and are subject to all the requirements of the Act and this Part.

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- 1) Heading of the Part: Electronic Fund Transfers
- 2) Code Citation: 38 Ill. Adm. Code 315
- 3) Section Numbers:
- |         |                         |
|---------|-------------------------|
|         | <u>Proposed Action:</u> |
| 315.110 | New Section             |
| 315.210 | New Section             |
| 315.220 | New Section             |
| 315.230 | New Section             |
| 315.240 | New Section             |
| 315.250 | New Section             |
| 315.260 | New Section             |
| 315.270 | New Section             |
| 315.310 | New Section             |
- 4) Statutory Authority: Section 20(1) of the Electronic Fund Transfer Act [205 ILCS 616/20(1)].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rule is necessary as a result of the enactment of P.A. 89-310, effective January 1, 1996, which repealed the Electronic Fund Transfer Transmission Facility Act. P.A. 89-310 replaced the Electronic Fund Transfer Transmission Facility Act with the new Electronic Fund Transfer Act. The proposed rule will update references to the underlying statutory authority and implement the relevant Sections from Part 310 of Title 38 of the Code, 38 Ill. Adm. Code 310. Part 310 was rendered obsolete by the repeal of the Electronic Fund Transfer Transmission Facility Act.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This Rule does not create or expand a State mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

Scott D. Clarke  
Acting Commissioner  
Commissioner of Banks and

Patrick F. Andre  
Division Counsel  
Commissioner of Banks and

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Trust Companies  
 500 East Monroe Street  
 Springfield, IL 62701  
 (217) 782-7966

Trust Companies  
 310 S. Michigan Ave., Suite 2130  
 Chicago, IL 60604  
 (312) 793-2043

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Small businesses are not affected by this rule.

B) Reporting, bookkeeping or other procedures required for compliance:  
 N/A

C) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

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## NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS  
 CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES  
 PART 315  
 ELECTRONIC FUND TRANSFERS

## SUBPART A: DEFINITIONS

Section  
 315.110  
 Definitions

## SUBPART B: ARBITRATION OF DISPUTES

Section  
 315.210 Scope and Authority  
 315.220 Statement of Claim, Response and Reply  
 315.230 Motions  
 315.240 Appearances  
 315.250 Appointment of Hearing Officer  
 315.260 Service  
 315.270 Procedures

## SUBPART C: FEES FOR THE EXAMINATION OF NETWORKS AND SWITCHES

Section  
 315.310 Fees and Charges

AUTHORITY: Implementing and authorized by Section 20(1) of the Electronic Fund Transfer Act [205 ILCS 616/20(1)].

SOURCE: Adopted at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: DEFINITIONS

## Section 315.110 Definitions

The words and phrases used in this Part and not defined in this Section shall have the meanings ascribed to them in the Electronic Fund Transfer Act [205 ILCS 616].

"Act" means the Electronic Fund Transfer Act [205 ILCS 616].

"Commissioner" means the Illinois Commissioner of Banks and Trust Companies.

"Hearing officer" means the Commissioner or an attorney licensed in the State of Illinois who has been appointed by the Commissioner to



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rights under Section 45 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision. Any Respondent who wishes to seek court action shall file a Responsive Statement to that effect with the Commissioner and the Claimant within twenty (20) days after service of the Statement of Claim upon the Respondent. Within thirty (30) days after filing the Responsive Statement, the Respondent shall file or cause to be filed original pleadings seeking court action and shall file a certified copy of such pleadings with the Commissioner. Any Respondent who fails to file a Responsive Statement or who thereafter fails to file the pleading instituting such court action shall be deemed to have waived his or her rights under Section 45 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.

- d) Claimant may file a Reply within twenty (20) days after receipt of the Response. Such Reply shall be delivered to the Commissioner and a copy served upon the Respondent.
- e) If upon reviewing the Statement of Claim, Response and Reply thereto, if any, the Commissioner finds that neither party has requested a hearing, he shall:
  - 1) make an administrative decision based on the parties' Statement of Claim, Response and Reply thereto, if any; or
  - 2) make a determination that a hearing be held. The Commissioner shall make a determination that a hearing be held if the facts are in dispute or it is apparent additional information is necessary.
- f) If the Commissioner determines that a hearing should be held, he shall, within fourteen (14) days after expiration of the twenty (20) day period within which Claimant may file a Reply, notify the parties in writing as to the date, time and place of the hearing.

Section 315.230 Motions

- a) Motions preliminary to the hearing shall be in writing and served upon all parties and the hearing officer no later than ten (10) days prior to the hearing. Responses to such motions shall be in writing and served in similar manner no later than five (5) days prior to the hearing.
- b) The hearing officer shall rule upon a preliminary motion with a written ruling. Oral arguments will be heard on a preliminary motion unless the hearing officer determines that such oral arguments will delay the hearing date. The filing of a preliminary motion or response thereto shall not stay any hearing scheduled upon a Statement of Claim.
- c) All other motions shall be in writing unless made during the hearing and shall be served in accordance with Section 315.260.

Section 315.240 Appearances

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conduct a hearing.

"Party" includes the Claimant and Respondent to an administrative proceeding.

SUBPART B: ARBITRATION OF DISPUTES

Section 315.210 Scope and Authority

Pursuant to Section 45 of the Act, these rules establish the procedure for arbitration of disputes by the Commissioner. It is expected that prior to invoking the procedures established in Section 315.220, the parties shall make an effort to settle their disputes.

Section 315.220 Statement of Claim, Response and Reply

- a) A person desiring arbitration, hereafter called "Claimant", shall file with the Commissioner a Statement of Claim which shall:
  - 1) identify the parties to the dispute;
  - 2) set forth a brief statement of facts giving rise to the Statement of Claim;
  - 3) state the legal basis for the claim;
  - 4) state the relief which Claimant requests or to which it deems itself entitled;
  - 5) be signed by the Claimant or by the Claimant's attorney and contain the address and telephone number of the individual signing the Statement of Claim. There shall be attached to the Statement of Claim as an exhibit a copy of any agreement between the Claimant and the person against whom relief is sought, hereafter referred to as "Respondent" and also a copy of any other document upon which Claimant relies. Claimant shall at the time of filing also serve a copy of the Statement of Claim together with attached exhibits upon the Respondent; and
  - 6) state whether the Claimant desires a hearing.
- b) Claimant, by filing a Statement of Claim, shall be deemed to have waived any rights under Section 45 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.
- c) Within twenty (20) days after service of the Statement of Claim upon the Respondent, or within such additional time as the Commissioner may grant for good cause shown, the Respondent may file a Response which shall be delivered to the Commissioner and a copy served upon the Claimant. All requests for extension shall be in writing. In determining whether to grant an extension the Commissioner shall consider such factors as: availability of party's counsel; unavailability of personnel necessary to prepare the Response. The Response shall state whether the Respondent desires a hearing. Respondent, by filing a Response, shall be deemed to have waived any

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- a) A party may appear on such party's own behalf or may be represented by an attorney.
- b) An attorney who represents a party shall file an appearance with the hearing officer which shall state the party so represented, and the name, address and telephone number of the attorney.

**Section 315.250 Appointment of Hearing Officer**

The Commissioner shall send notice of the appointment of a hearing officer to all parties together with the name and address of the hearing officer appointed.

**Section 315.260 Service**

The original of all pleadings, including but not limited to all Statements of Claim, Responses, Responsive Statements, Replies, Motions and Responses to Motions, shall be served upon the Commissioner at 500 East Monroe Street, Springfield, IL 62701-1532. A copy shall be served upon the hearing officer, if any. Pleadings shall be served upon all persons required to receive them by hand delivery or certified mail. Service upon the attorney of record for a party shall be deemed service upon that party.

**Section 315.270 Procedures**

Other procedural matters in the conduct of an arbitration of a dispute shall, to the extent not inconsistent with this Part 315, be governed by the following Sections of 38 Ill. Adm. Code 392 (Hearings Before the Commissioner of Banks and Trust Companies):

- a) Form of Pleadings, by Section 392.90;
- b) Consolidation of Hearing Proceedings, by Section 392.120;
- c) Authority of Hearing Officer, by Section 392.130;
- d) Prehearing Conferences, by Section 392.140;
- e) Subpoenas, by Section 392.150;
- f) Discovery, by Section 392.160;
- g) Evidence Depositions, by Section 392.170;
- h) Conduct of a Hearing, by Section 392.180 except that in subsections (c), (e) and (g) of such Section, the word "Claimant" shall be substituted for "Commissioner";
- i) Evidence, by Section 392.190;
- j) Record of Hearing Proceedings, by Section 392.200;
- k) Briefs, by Section 392.210;
- l) Hearing Officer's Recommendation, by Section 392.220;
- m) Commissioner's Determination, by Section 392.230; and
- n) Construction of Rules, by Section 392.240.

## SUBPART C: FEES FOR THE EXAMINATION OF NETWORKS AND SWITCHES

**Section 315.310 Fees and Charges**

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED RULES

The Commissioner is authorized by Section 25 of the Act to examine any network and any switch as to any transaction by, with, or involving a financial institution that has established a terminal in this State. The Commissioner shall charge a reasonable fee to cover the costs of such an examination.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section number: Proposed Action:  
1.2235 New
- 4) Statutory Authority: Public Act 89-425 [30 ILCS 505/8.5]
- 5) A Complete Description of the Subjects and Issues Involved: This implements Public Act 89-425 which allows agencies to contract without having to use a competitive selection process with companies who employ individuals with severe physical or mental disabilities and who also provide them with assistance performing their jobs.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:  
  
Stephen W. Seiple  
720 Stratton Office Building  
Springfield, IL 62706  
(217)782-9669
- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for the rulemaking did not come to the Department's attention until after the agenda was filed.

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT  
 SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS  
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
 PART 1  
 STANDARD PROCUREMENT  
 SUBPART A: GENERAL

Section	
1.100	Authority
1.110	Policy
1.120	Applicability
1.130	Definitions

## SUBPART B: APPROVAL OF PROCUREMENT RULES

Section	
1.200	Approval Required
1.210	When Approved
1.220	Filing of Rules
1.230	Standard Form of Rules
1.240	Non-Standard Form of Rules
1.250	Length of Approval

## SUBPART C: PROCUREMENT RESPONSIBILITY

Section	
1.300	General
1.310	Department of Central Management Services
1.320	Department of Transportation
1.330	Capital Development Board
1.340	Procuring Agency Responsibility
1.350	Delegation of Procurement Authority

## SUBPART D: SOURCES OF SUPPLY

Section	
1.400	Open Source of Supply
1.410	Special Sources
1.420	Directed Source

## SUBPART E: METHODS OF PROCUREMENT

Section	
1.500	General

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1.510 Competition Encouraged  
 1.515 Competitive Procurement and Procedure  
 1.520 Source Selection  
 1.530 Statutory Circumstances Allowing Negotiation  
 1.540 Negotiation After Award  
 1.550 Multiple Awards  
 1.560 Pre-Emption

## SUBPART F: PUBLICIZING PROCUREMENT ACTIONS

## Section

1.600 Official State Newspaper  
 1.610 Advertising Required  
 1.620 Re-Advertisement  
 1.630 Direct Solicitation

## SUBPART G: INVITATIONS FOR BID AND RESPONSE

## Section

1.700 Bid List  
 1.710 Contents of Invitations for Bids  
 1.720 Time and Place to Submit Bids  
 1.730 Submission of Bids  
 1.740 Change or Withdrawal of Bid  
 1.750 Submission Binding  
 1.760 Bid Reservations

## SUBPART H: RESPONSIBILITY OF BIDDER

## Section

1.800 Bidder Must be Responsible  
 1.810 Determination by Procuring Agency  
 1.820 Proof of Responsibility  
 1.830 Standards of Responsibility  
 1.840 New Bidders

## SUBPART I: BID AND PERFORMANCE SECURITY

## Section

1.900 Security Required  
 1.910 Form of Security  
 1.920 Amount  
 1.930 Subsequent Requirement  
 1.940 When Allowed or Required  
 1.950 Annual Security  
 1.960 Return of Security

## SUBPART J: SPECIFICATIONS AND SAMPLES

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Section  
 1.1000 Specifications Required  
 1.1010 Reference Specifications  
 1.1020 Brand Name or Equal  
 1.1030 Proven Products  
 1.1040 State Required Samples  
 1.1050 Representative Sample  
 1.1060 Payment for Samples  
 1.1070 Product Demonstration

## SUBPART K: AWARD OF CONTRACT

## Section

1.1100 Bid Opening  
 1.1110 Recording  
 1.1120 Award  
 1.1130 Alternate Bids  
 1.1140 Supplementary Orders  
 1.1150 Delay in Award  
 1.1160 Cancellation of Invitation  
 1.1170 Notice of Cancellation  
 1.1180 Rejection of Individual Bids  
 1.1190 Minor Informalities or Irregularities in Bids  
 1.1200 Time of Award  
 1.1210 Binding Contract

## SUBPART L: MISTAKES IN BIDS

## Section

1.1300 General  
 1.1310 Apparent Clerical Mistake  
 1.1320 Other Mistakes Disclosed Before Award  
 1.1330 Disclosure of Mistakes After Award  
 1.1340 Processing Mistakes  
 1.1350 Procedural Error by State

## SUBPART M: CONTRACT TERMS

## Section

1.1400 Terms and Conditions of Transactions  
 1.1410 Amendments

## SUBPART N: CONTRACT PERIOD AND FISCAL FUNDING

## Section

1.1500 Fiscal Year Contracting  
 1.1510 Contracts Spanning Fiscal Years  
 1.1520 Fiscal Funding Termination Policy



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1.1530 Preference in Funding  
1.1540 Notice of Failure of Funding

## SUBPART O: CONTRACT PRICING AND FINANCING

- Section  
1.1600 Allowable Price Structure  
1.1610 Firm Pricing  
1.1620 All Costs Included  
1.1630 Maximum Price for Printing  
1.1640 Contract Financing  
1.1650 Prevailing Wage Required

## SUBPART P: PERFORMANCE

- Section  
1.1700 Full Compliance  
1.1710 Deliveries  
1.1720 Inspection  
1.1730 Assignments by Successful Bidder  
1.1740 Submission of Invoice Vouchers

## SUBPART Q: VENDOR COMPLAINTS

- Section  
1.1800 Performance Monitoring  
1.1810 Initial Complaint  
1.1820 Written Complaint  
1.1830 Complaints to be Filed  
1.1840 Prompt Action Essential  
1.1850 Grounds for Complaint  
1.1860 Action by Receiving Agency

## SUBPART R: TERMINATION OR RESCISSION OF CONTRACT BY STATE

- Section  
1.1900 Cancellation for Breach of Contract  
1.1910 Cancellation for Fraud, Collusion, Illegality, Etc.  
1.1920 Withholding Monies to Compensate State for Damages  
1.1930 Damages

## SUBPART S: SUSPENSION AND DEBARMENT

- Section  
1.2000 Suspension  
1.2010 Terms of Suspension  
1.2020 Causes for Suspension  
1.2030 Debarment

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1.2040 Ineligible List

## SUBPART T: PROTEST OR OBJECTIONS

- Section  
1.2100 General  
1.2110 Time and Place for Protest or Objections  
1.2120 Suspension of Award  
1.2130 Evaluation of Protest or Objection  
1.2140 Additional Administrative Remedies

## SUBPART U: SOCIOECONOMIC PROGRAMS

- Section  
1.2200 General  
1.2210 Small Business  
1.2215 Minority and Female-Owned Business  
1.2220 Criteria for Small Business (Recodified)  
1.2225 Sheltered Workshops for the Disabled  
1.2230 Required Use (Recodified)  
1.2235 Procurement from Vendors with Supported Employees  
1.2240 Withdrawal of Set-Aside (Recodified)  
1.2250 Small Construction Business Advance Payment Set-Aside (Repealed)

## SUBPART V: JOINT PROCUREMENT AGREEMENTS

- Section  
1.2300 General  
1.2310 State Use of Other Contracts  
1.2320 Use of State Contracts  
1.2330 No Agency Relationship  
1.2340 Obligations of Participating Governmental Units  
1.2350 Centralized Contracts - Estimated Quantities  
1.2360 Centralized Contracts - Definite Quantities

## SUBPART W: MISCELLANEOUS

- Section  
1.2400 Inspection and Audits  
1.2410 No Rights Conferred  
1.2420 Government Furnished Property  
1.2430 Attempt to Influence Award  
1.2440 Collusive Bids  
1.2450 Identical Bids  
1.2460 Proprietary Information  
1.2470 Severability

AUTHORITY: Implementing and authorized by the Illinois Purchasing Act [30 ILCS

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

505]; the State Paper Purchasing Act [30 ILCS 510]; State Printing Contracts Act [30 ILCS 515]; the Minority and Female Business Enterprise Act [30 ILCS 575].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART U: SOCIOECONOMIC PROGRAMS

## Section 1.2235 Procurement from Vendors with Supported Employees

a) Authority. State agencies may procure goods and services from "qualified vendors with an approved supported employment workforce" (SEV) without having to seek competitive bids and may award to a SEV in a competitive procurement even if the SEV is not the low bidder in accordance with the following requirements.

b) Requirements to Exercise Authority

1) Procurements may be made from only those vendors on the SEV list maintained by the Department of Central Management Services (CMS).

2) For goods or services under the procurement jurisdiction of CMS, including those delegated by CMS, procuring agencies shall notify CMS/Bureau of Support Services of their intent to utilize a SEV, and CMS must approve such action before a procurement is begun or contract awarded. CMS shall approve provided such action is in conformance with law, rule and policy.

3) For all goods and services which would have to be bid but for the authorization found in Section 8.5 of the Illinois Purchasing Act [30 ILCS 505/8.5] or where the procuring agency chooses a SEV when not the lowest responsible bidder meeting specifications, the procuring agency must obtain approval of the State Use Committee that the price is a fair market price.

4) A fair market price will be determined by reference to past prices paid by the procuring agency and any known current pricing available to the procuring agency (each of which must be submitted to the State Use Committee), and the policy to promote SEV's as found in Section 8.5 of the Illinois Purchasing Act [30 ILCS 505/8.5]. A fair market price is not necessarily the

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

lowest price that may be available.

## c) Requirements of SEV's

1) SEV's must comply with Illinois laws governing private for-profit enterprises.

2) SEV's must certify that no less than 5%, nor more than 20%, of all employed individuals meet the definition of supported employees and are approved as such by the Illinois Department of Rehabilitation Services (DORS).

A) Certification shall be made, prior to any contract under these provisions, showing the total number of employees and the numbers of all actively employed supported employees.

B) On an ongoing basis, each SEV with an approved contract shall provide quarterly reports in the manner and format required by the State Use Committee.

C) The percent of all employees that are supported employees can be calculated in one of two ways:

i) The number of supported employees divided by the total of all employees.

ii) The number of supported employees in non-administrative positions divided by the total of all employees in non-administrative positions.

The method of calculation shall be noted on the certification to be submitted.

3) A SEV must provide necessary supports to its supported employees.

A) Necessary supports are defined as those supports which are identified by DORS as required to enable that employee to continue and maintain employment.

B) The program of necessary supports which has been identified to the State Use Division by DORS must be documented and available for review, verification, and/or audit under the conditions of the Freedom of Information Act, at any time for any reason.

4) A SEV must provide its supported employees with an integrated work setting. An integrated work setting is one in which no segregated work or recreational space exists for, or is encouraged to be used by, supported employees.

5) SEV's must assure that at least 50% of the work expended to produce the goods and services to be sold to the State is provided by supported employees. The method of calculating the percent of work expended on a State contract must be explained in detail on the Certification, and may be calculated in one of the following ways:

A) The percent of hours expended on the State contract by supported employees must equal at least 50% of all hours expended, or

B) The percent of pieces produced by supported employees must equal at least 50% of all pieces produced on the State contract, or



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- C) The percent of wages (including all benefits) paid to supported employees must equal at least 50% of all wages (including benefits) paid to all employees engaged in the State contract.
- 6) SEV's must assure that personal interactions of a supported employment worker in, or associated with, the workplace are with employees of the workplace who are not necessarily supported employees. Any contractor who obtains a contract under this law must certify that a workplace is provided which is conducive to integration of interpersonal relations between supported and non-supported employees.
- 7) SEV's must have a completed Bidders Application Form on file with the Department of Central Management Services.
- 8) SEV's must report to CMS any contract with State Agencies on a quarterly basis.
- d) Monitoring Requirements of these rules are subject to monitoring, verification, on-site inspection by appropriate personnel, and/or audit of production and personnel records specific to a contract which might be obtained under the Act.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Travel Regulation Council
- 2) Code Citation: 80 Ill. Adm. Code 3000
- 3) Section number: 3000.300  
Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by Sections 12, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12, 12-2 and 12-3].
- 5) A Complete Description of the Subjects and Issues Involved: The proposal would amend Section 3000.300(g) in regard to mileage reimbursement for the use of personal aircraft while on State business. The amendment allows each Board to set their own reimbursement rate up to the current federal rate for this type of expense.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
3000.100	Amend	20 Ill. Reg. 935
3000.140	Amend	20 Ill. Reg. 935
3000.210	Amend	20 Ill. Reg. 935
3000.230	Amend	20 Ill. Reg. 935
3000.300	Amend	20 Ill. Reg. 935

- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield, IL 62706  
(217)782-9669

- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

not included on either of the 2 most recent agendas because: the need for the rulemaking did not come to the Department's attention until after the agenda was filed.

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE I: GENERAL TRAVEL CONTROL

## CHAPTER IV: TRAVEL REGULATION COUNCIL

## PART 3000

## THE TRAVEL REGULATION COUNCIL

## SUBPART A: GENERAL

Section  
3000.100  
3000.110  
3000.120  
3000.130  
3000.140

Authority  
Philosophy  
Policy  
Scope and Interpretation  
Definitions

## SUBPART B: TRAVEL CONTROL SYSTEM

Section  
3000.200  
3000.210  
3000.220  
3000.230

Travel Control System  
Designation of Headquarters  
Expenses at Headquarters or Residence  
Preparation and Submission of Vouchers or Travel Expenses

## SUBPART C: TRANSPORTATION

Section  
3000.300  
3000.310

Modes of Transportation  
Routing

## SUBPART D: LODGING

Section  
3000.400  
3000.410  
3000.420  
3000.430

Lodging Allowances  
Least Costly Lodging  
Conference Lodging  
Employee Owned or Controlled Housing

## SUBPART E: PER DIEM-MEALS

Section  
3000.500  
3000.510

Per Diem Allowance  
Meal Allowance

## SUBPART F: MISCELLANEOUS RULES

Section  
3000.600

Reimbursable and Non-Reimbursable Expenses



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF PROPOSED AMENDMENTS

not reimbursable.  
f) Privately owned vehicles may be used when authorized by appropriate agency personnel.  
1) Employees using private vehicles on State business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code [625 ILCS 5/10-101(b)] (~~that-Rev-Stat-1987-ch-95--127--par--10-101(b)~~). Prior to such authorization the Agency Head shall require employees to file a statement certifying that they are duly licensed and carry at least the minimum insurance coverage or shall require such certification to be noted on the travel voucher.

2) Reimbursement for use of a private vehicle shall be on a mileage basis and shall be in accordance with the rate promulgated pursuant to 5 U.S.C. 5707(b)(2).  
g) Agency Heads may authorize the use of privately owned aircraft on State business. ~~the--employee--shall--be--duly--licensed--by--the appropriate-licensing-body-for-the-particular-aircraft--to--be--flown carry--insurance--in--at--least--the-amount-of-\$500,000-combined-single limit--and--shall-certify-this-to-the-Agency-Head--Such--certification shall--be--available--for-review-and--shall-also-be-noted-on-the-travel voucher:~~

1) Employees using privately owned aircraft on State business shall be duly licensed by the appropriate licensing body for the particular aircraft to be flown, shall carry insurance in at least the amount of \$500,000 combined single limit, and shall certify this to the Agency Head. Such certification shall be available for review and shall be noted on the travel voucher.  
2) Reimbursement for the use of privately owned aircraft may be set by the individual Boards, but shall not exceed the rate set by the Federal Government pursuant to 5 U.S.C. 5707(b)(2).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF PROPOSED AMENDMENTS

3000.610 Expenses Related to Transportation  
3000.620 Receipts Required  
3000.630 Meals for Other Persons  
  
SUBPART G: EXCEPTIONS  
  
Section  
3000.700 Exceptions to the Rules  
3000.710 Board-Agency Rules  
3000.720 Non-Required Travel

APPENDIX A Reimbursement Schedule  
AUTHORITY: Implementing and authorized by Sections 12, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12, 12-2 and 12-3].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11656, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART C: TRANSPORTATION  
Section 3000.300 Modes of Transportation

- a) All travel shall be by the most economical mode of transportation available considering travel time, costs, and work requirements. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs, and other usual means of conveyance.
- b) State vehicles may be used when most economical. When applicable, Vehicle Rules (44 Ill. Adm. Code 5040) issued by the Department of Central Management Services shall govern use of State-owned vehicles. Agency rules further defining use of vehicles may also apply. Specific instructions covering service and repairs of these vehicles are to be found in the glove compartment of each vehicle.
- c) Arrangements on airplanes, trains, or boats shall be the least costly reasonably available alternative.
- d) Chartered aircraft, boats, trains, buses, or other such conveyance, shall be used only as a last resort or if proven to be most economical for the circumstances. A full explanation for the use of such transportation must accompany the voucher.
- e) The rental of an automobile while on travel status is allowed, if circumstances require. The most economical vehicle available that is suitable for the State's business shall be obtained. The collision damage waiver and personal accident insurance on rented vehicles are

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Procedural
- 2) Code Citation: 56 Ill. Adm. Code 2520
- 3) Section Numbers:  
2520.10  
2520.440  
Proposed Action:  
Amendment  
Amendment
- 4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1-7B] the Intergovernmental Cooperation Act [5 ILCS 220] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments update the Department's rules to comply with a recent amendment to the Illinois Human Rights Act.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
2520.10	Amendment	19 Ill. Reg. 15319
2520.560	Amendment	19 Ill. Reg. 15319
2520.573	New Section	19 Ill. Reg. 15319
2520.575	New Section	19 Ill. Reg. 15319
2520.577	New Section	19 Ill. Reg. 15319
2520.580	New Section	19 Ill. Reg. 15319
2520.583	New Section	19 Ill. Reg. 15319
2520.585	New Section	19 Ill. Reg. 15319
2520.587	New Section	19 Ill. Reg. 15319

- 10) Statement of Statewide Policy Objectives: The proposed amendments would not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit comments to:

David T. Rothal  
Staff Attorney  
Illinois Department of Human Rights

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENT

100 West Randolph Street  
Suite 10-100  
Chicago, IL 60601  
Telephone Number: 312-814-6242  
T.D.D.: 312-263-1579

Comments must be in writing and filed within 45 days after this issue of the *Illinois Register*. If, because of physical disability, you are unable to put comments in writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: All small business subject to the Illinois Human Rights Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Although there are no bookkeeping procedures required, the regulations provide procedures for compliance with the Illinois Human Rights Act.
- C) Types of professional skills necessary for compliance: N/A

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment is identical to the text of the Emergency Rule which appears in this Register on page 086.34.]

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

These rules may have an impact on small businesses. Any small business commenting on these rules shall indicate their status as such in their comments.

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of Small Businesses Affected: This rulemaking will not affect small businesses.
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
- C) Types of Professional Skills Necessary for Compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: It was listed on the January 1995 agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Child Health Examination Code

2) Code Citation: 77 Ill. Adm. Code 665

- 3) Section Numbers:
- 665.210 Amendment
- 665.230 Amendment
- 665.240 Amendment
- 665.250 Amendment
- 665.510 Amendment
- 665.Appendix B New Section

4) Statutory Authority: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] (see P.A. 88-149, effective January 1, 1994).

5) A Complete Description of the Subject and Issues Involved: This rulemaking adds mumps, Haemophilus influenza type b, and hepatitis B to the list of immunizations that a child must present prior to entering school. School is defined to include nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district. The amendments provide additional detail concerning objection of parents to immunizations on religious grounds.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules in writing within 45 days after this issue of the *Illinois Register* to:
- Gail M. DeVito  
Division of Governmental Affairs  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217) 782-6187



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

## PART 665

## CHILD HEALTH EXAMINATION CODE

## SUBPART A: GENERAL PROVISIONS

Section  
665.100  
665.110

Statutory Authority  
General Considerations (Repealed)

## SUBPART B: HEALTH EXAMINATION

Section  
665.120  
665.130  
665.140  
665.150  
665.160  
665.210  
665.220  
665.230  
665.240  
665.250  
665.260  
665.270  
665.280

Health Examination Requirement  
Signature of Physician  
Time Examinations to be Conducted  
Report Forms  
Proof of Examination  
Proof of Immunizations  
Local School Authority  
School Entrance  
Basic Immunization  
Proof of Immunity  
Booster Immunizations  
Compliance with the Law  
Physician Statement of Immunity

## SUBPART C: VISION AND HEARING SCREENING

Section  
665.310

Vision and Hearing Screening

## SUBPART D: DENTAL EXAMINATION

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665.410  
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Dental Examination Recommendation  
Dental Examination  
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Objection of Parent or Legal Guardian  
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## SUBPART F: VISION EXAMINATION

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Vision Examination Recommendation  
Vision Examination  
Vision Examination Report  
Indigent Students

APPENDIX A  
APPENDIX B  
Vision Examination Report  
Vaccination Schedule for Haemophilus influenzae type b  
Conjugate Vaccines (Hib) Certificate of Child Health  
Examination-(Repeated)

AUTHORITY: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and Section 6.2 of the Lead Poisoning Prevention Act [410 ILCS 45/6.2].

SOURCE: Emergency rule adopted at 4 Ill. Reg. 38, p. 275, effective September 10, 1980, for a maximum of 150 days; emergency rule adopted at 4 Ill. Reg. 41, p. 176, effective October 1, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 1403, effective January 29, 1981; codified at 8 Ill. Reg. 8921; amended at 11 Ill. Reg. 11791, effective June 29, 1987; amended at 13 Ill. Reg. 11565, effective July 1, 1989; amended at 13 Ill. Reg. 17047, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5617, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14543, effective August 27, 1990; amended at 15 Ill. Reg. 7706, effective May 1, 1991; amended at 18 Ill. Reg. 4296, effective March 5, 1994; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: HEALTH EXAMINATION

## Section 665.210 Proof of Immunizations

Every child shall present, on or about the same time as he/she receives a health examination, proof to the local school authority of having received such immunizations as the Department shall require in Section 695.10 of the School Code Immunization Code (77 Ill. Adm. Code 695).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 665.230 School Entrance

a) Every child, prior to entering any public, private/independent or parochial school (includes nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) in Illinois shall

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present to that school proof of immunity against:

- 1) Diphtheria
- 2) Pertussis
- 3) Tetanus
- 4) Poliomyelitis
- 5) Measles
- 6) Rubella
- 7) Mumps
- 8) Haemophilus influenzae type b (as noted in Section 665.240(f))
- 9) Hepatitis B (as noted in Section 665.240(g))

b) The health care provider verifying the administration of the required immunization shall record as indicated on the Certificate of Child Health Examination that the immunizations were administered.

c) Any child who does not submit proof of having protection by immunity as required must receive the needed vaccine. If for medical reasons one or more of the required immunizations must be given after the date of entrance of the current school year, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay must be signed by the health care provider who will administer the needed immunizations and be kept on file at the local school.

d) All children currently enrolled in school in Illinois who are susceptible to mumps must show proof of immunity prior to enrolling for school:

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 665.240 Basic Immunization

a) Diphtheria, Pertussis, Tetanus

1) Any child 2 years of age or older entering school (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) must show proof (see Section 665.250(b)) of having received four or more doses of Diphtheria, Pertussis, Tetanus (DPT) vaccine. Individual doses in the series must have been received no less than four weeks apart. The interval between the third and fourth or final dose must be at least six months.

2) Any child 5--years--of--age--or--younger entering school, kindergarten or first grade, for the first time must show proof (see Section 665.250(b)) of having received four or more doses of Diphtheria, Pertussis, Tetanus (DPT) with the last dose being a booster and having been received on or after the 4th birthday, but prior to school entrance--or--within--one--year--prior--to--school entrance. Individual doses in the series must have been received

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no less than four weeks apart. The interval between the third and fourth or final dose must be at least six months. Children six years of age and older may receive Tetanus, Diphtheria (Td) vaccine in lieu of DPT vaccine. Pertussis vaccine is not medically recommended for children 7 years of age or older.

3) Any child entering school at a grade level not included in subsection (a)(1) or (2) of this Section 6--years--of--age--or--older must show proof (see Section 665.250(b)) of receiving three or more doses of DPT or Tetanus, Diphtheria (Td) with the last dose being a booster and having been received on or after the 4th birthday. Individual doses in the series must have been received no less than four weeks apart.

4) If 10 years have elapsed since the last booster, an additional Td booster is required.

b) Polio

1) Any child 2 years of age or older entering school (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) must show proof (see Section 665.250(b)) of having received three or more doses of Trivalent Oral Polio Vaccine (TOPV). Individual doses in the series must have been received no less than six weeks apart.

2) Any child 5--years--of--age--or--younger entering school, kindergarten or first grade, for the first time must show proof (see Section 665.250(b)) of having received three or more doses of Trivalent Oral Polio Vaccine (TOPV) with the last dose being a booster and having been received on or after the 4th birthday, but prior to school entrance. The first two individual doses in the series must have been received no less than six weeks apart. The interval between the second and third or final dose must be at least six months.

3) Any child entering school at a grade level not included in subsection (b)(1) or (2) of this Section 6--years--of--age--or--older must show proof (see Section 665.250(b)) of receiving three or more doses of TOPV with the last dose being a booster and having been received on or after the 4th birthday. The first two individual doses in the series must have been received no less than six weeks apart. The interval between the second and third or final dose (booster dose) must be at least six months.

4) A series of enhanced-potency inactivated polio vaccine (e-IPV) or inactivated polio virus vaccine (IPV) and appropriate boosters may, for an individual, be substituted for vaccination with TOPV at the direction of a physician.

c) Measles

1) Any child 2 years of age or older entering school (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home,

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or other pre-kindergarten child care programs offered or operated by a school or school district) must show proof (see Section 665.250(b)) of having received one dose of live measles virus vaccine at 12 months of age or older, or other proof of immunity described in Section 665.250(c).

1) Children who have had measles or have been immunized with one dose of live measles virus vaccine at 15 months of age or older or children who have had two doses of live measles virus vaccine the first dose at least 12 months of age and the second dose no less than 1 month after the first, shall be considered protected and in compliance.

2) Children entering the 5th grade for the first time after July of 1990, entering the 9th grade for the first time after July of 1993, and entering at any grade level, K-12, must after July of 1993, will be required to show evidence of having received two doses of live measles virus vaccine, the first dose at least 12 months of age or older and the second dose no less than 1 month after the first or other proof of immunity described in Section 665.250(c) this Part.

3) Any child two years of age or older who is entering at a grade level in which evidence of two doses of live measles virus vaccine is not required, shall show proof (see Section 665.250(b)) of receiving measles vaccine at 15 months of age or older, immunization at 12 months of age or older, is acceptable for those students who entered kindergarten or first grade prior to the 1991-1992 school year, proof of disease is verified by a physician licensed to practice medicine in all of its branches, may be substituted for proof of vaccination (see Section 665.250(e)).

4) If immunization was received prior to 1960, proof must be provided that a live virus vaccine was given.

3) For students attending school programs where grade levels (K-12) are not assigned, including special education programs, proof of two doses of live virus measles vaccine as described in (b)(2) shall be submitted prior to the school year in which the child reaches the ages of 5, 10, and 15.

## d) Rubella-Mumps

1) Any child 11 children 2 years of age or older entering school at any grade level, including nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district, must show proof (see Section 665.250(b)) of receiving at least one dose of rubella vaccine at 12 months of age or older on or after the 1st birthday. Proof of disease is not acceptable unless laboratory evidence of rubella immunity is presented (see Section 665.250(d)) with blood titer of 1:16 for equivalent titer or greater.

2) Any child two years of age or older, entering at any grade level

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must show proof (see Section 665.250(b)) of receiving mumps vaccine at 12 months of age or older, proof of disease is verified by a physician, licensed to practice medicine in all of its branches, may be substituted for proof of vaccination.

## e) Mumps

Any child 2 years of age or older entering school at any grade level, including nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district must show proof (see Section 665.250(b)) of receiving at least one dose of mumps vaccine at 12 months of age or older. Proof of disease, if verified by a physician licensed to practice medicine in all of its branches, or laboratory evidence of mumps immunity may be substituted for proof of vaccination (see Section 665.250(e)).

## f) Haemophilus influenzae type b

1) Any child 2 years of age or older entering school (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) must show proof of immunization that complies with the Hib vaccination schedule in Appendix B of this Part.

2) Children 24-59 months of age who have not received the primary series of Hib vaccine, according to the Hib vaccination schedule, must show proof of receiving one dose of Hib vaccine at 15 months of age or older.

3) Any child 5 years of age or older shall not be required to provide proof of immunization with Hib vaccine.

## g) Hepatitis B

Any child 2 years of age or older entering school (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) after July 1997 must show proof (see Section 665.250(b)) of having received three doses of hepatitis B vaccine. The first two doses must have been received no less than 4 weeks apart, and the interval between second and third dose must be at least two months. Proof of prior or current infection, if verified by laboratory evidence, may be substituted for proof of vaccination (see Section 665.250(f)).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 665.250 Proof of Immunity

a) Proof of immunity shall be documented evidence of having received



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the Department's rules, Control of Communicable Diseases Code (77 Ill. Adm. Code 690) at the time such objection is presented.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

vaccine or proof of disease (as described below) verified by a health care provider defined as: physician (see Section 665.130), school health professional, or health official.

b) Day and month is required if it can not otherwise be determined that the vaccine was given after the minimum interval or age.

c) Proof of prior measles disease must be verified with date of illness signed by a physician or laboratory evidence of measles immunity by an antibody-titer-of-1:16-(or-equivalent-titer)-or-greater.

d) The only acceptable proof of immunity for rubella is evidence of vaccine (dates, see subsection (b) above) or laboratory evidence of rubella immunity a-blood-titer--of--1:16--(or--equivalent-titer)--or-greater.

e) Proof of prior mumps disease must be verified with date of illness signed by a physician or laboratory evidence of mumps immunity. Laboratory evidence of mumps immunity is only acceptable if the diagnostic test utilized to assess immunity is one with demonstrable reliability, including neutralization, enzyme-linked immunosorbent assay (ELISA or EIA), or radial hemolysis antibody test. A four-fold rise in mumps antibody titer between appropriately spaced acute and convalescent sera is also acceptable as proof of immunity.

f) Proof of prior or current hepatitis B infection must be verified by laboratory evidence. Laboratory evidence of prior or current hepatitis B infection is only acceptable if one of the following serologic tests indicates positivity: HBsAg, anti-HBc and/or anti-HBs.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: EXCEPTIONS

Section 665.510 Objection of Parent or Legal Guardian

Parent or legal guardian of a student may object to health examinations, immunizations, vision and hearing screening tests, and dental health examinations for their children on religious grounds. If a religious objection is made, a written and signed statement from the parent or legal guardian detailing such objections must be presented to the local school authority. The objection must set forth the specific religious belief which conflicts with the examination, immunization or other medical intervention. The religious objection may be personal and need not be directed by the tenets of an established religious organization. General philosophical or moral reluctance to allow physical examinations, immunizations, vision and hearing screening, and dental examinations will not provide a sufficient basis for an exception to statutory requirements. The local school authority is responsible for determining whether the written statement constitutes a valid religious objection. The parent or legal guardian must be informed by the local school authority of measles outbreak control exclusion procedures in accordance with

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Note: A DTP/Hib combination vaccine can be used in place of HbOC or PRP-T.

(Source: Section repealed at 18 Ill. Reg. 4296, effective March 5, 1994;  
new Section adopted at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 665. APPENDIX B Vaccination Schedule for Haemophilus influenzae type b Conjugate Vaccines (Hib) Certificate of Child Health Examination (Repeated)

VACCINE	Age at 1st Dose (months)	Primary Series	Booster	Total Number of Doses for Series
HbOC/PRP-T HibTITER™ ActHIB™*	2-6	3 doses, 2 months apart	12-15 months	4
	7-11	2 doses, 2 months apart	12-18 months	3
	12-14	1 dose	15 months	2
OmniHIB™	15-59	1 dose*	None	1
TETRAMUNE™	2-6	2 doses, 2 months apart	12 months	3
PRP-OMP	7-11	2 doses, 2 months apart	12-18 months	3
PedvaxHIB™	12-14	1 dose	15 months	2
PRP-D ProHIBIT™	15-59	1 dose*	None	1
	15-59	1 dose	None	1

- Minimally acceptable interval between doses is one month.
- ◻ At least 2 months after previous dose.
- ◆ After the primary infant Hib vaccine series is completed, any of the licensed Hib conjugate vaccines may be used as a booster dose.
- \* Children 15-59 months of age should receive only a single dose of Hib vaccine.
- † Reconstituted with DTP as a combined DTP/Hib vaccine.

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Illinois Department of Public Health  
 535 West Jefferson, Fifth Floor  
 Springfield, IL 62761  
 (217) 782-6187

These rules may have an impact on small businesses. Any small business commenting on these rules shall indicate their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected: This rulemaking will not affect small businesses.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:  
 None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was included on the January 1995 Agenda

The full text of the Proposed Amendments begins on the next page:

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1) Heading of the Part: Immunization Code

2) Code Citation: 77 Ill. Adm. Code 695

3) Section Numbers: Proposed Action:

695.10 Amendment

695.30 Amendment

695.50 Amendment

665.Appendix A

4) Statutory Authority: Implementing and authorized by the Communicable Disease Prevention Act [410 ILCS 315], Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7].

5) A Complete Description of the Subject and Issues Involved: This rulemaking adds hepatitis B to the list of basic immunizations and prescribes the optimum starting age for the immunization as birth - 2 months. School is defined, for the purposes of requiring compliance with the recommended immunization schedule, to include nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district. The amendments change the recommended age for the first measles and mumps vaccine from 15 months to 12 months. Proof of a second dose of measles vaccine will be required for children entering school at any grade level K-12, instead of at 5th grade, as is the current requirement. The amendments provide additional detail concerning objection of parents to immunizations on religious grounds.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporations by Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register* by writing to:

Gail M. DeVito  
 Division of Governmental Affairs



## DEPARTMENT OF PUBLIC HEALTH

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## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

## PART 695

## IMMUNIZATION CODE

Section	
695.10	Basic Immunization
695.20	Booster Immunizations
695.30	Exceptions
695.40	List of Non-Immunized Child Care Facility Attendees or Students
695.50	Proof of Immunity
APPENDIX A	Vaccination Schedule for Haemophilus influenzae type b Conjugate Vaccines (Hib) (b)(6)(v)

**AUTHORITY:** Implementing and authorized by the Communicable Disease Prevention Act [410 ILCS 315], Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7].

**SOURCE:** Emergency amendment effective June 23, 1977; emergency amendment at 3 Ill. Reg. 14, p. 88, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 134, effective December 17, 1979; codified at 8 Ill. Reg. 4512; amended at 11 Ill. Reg. 11799, effective June 29, 1987; emergency amendment at 14 Ill. Reg. 5890, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14562, effective August 27, 1990; amended at 15 Ill. Reg. 7712, effective May 1, 1991; amended at 17 Ill. Reg. 2975, effective February 11, 1993; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## Section 695.10 Basic Immunization

a) The optimum starting ages for the specified immunizing procedures are as follows:

1) Diphtheria	2-4 months
2) Pertussis	2-4 months, combined with diphtheria-tetanus toxoid
3) Tetanus	2-4 months
4) Poliomyelitis	2-4 months
5) Measles	12-15 months
6) Rubella	12-15 months
7) Mumps	12-15 months
8) Haemophilus influenzae type b	2-4 months
9) Hepatitis B	Birth-2 months

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- b) All children 2 months of age and over upon first entering a child care facility shall present evidence that such person has been immunized, or is in the process of being immunized, according to the recommended schedule against diphtheria, pertussis, tetanus, polio, measles, mumps, rubella, and Haemophilus influenzae type b, and hepatitis B.
- c) All children entering school (includes nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) in Illinois for the first time shall present evidence of immunity against:

- 1) Diphtheria
- 2) Pertussis (except as noted in under subsection (d) of this Section)
- 3) Tetanus
- 4) Poliomyelitis
- 5) Measles (except as noted in under subsection (h) of this Section below)
- 6) Rubella
- 7) Mumps
- 8) Haemophilus influenzae type b (except as noted in subsection (i) of this Section)
- 9) Hepatitis B (except as noted in subsection (j) of this Section)
- d) Any child under 6 years of age who has not been immunized against diphtheria, pertussis, and tetanus shall receive 3 injections of diphtheria, pertussis, tetanus combined antigen separated by intervals of 4 weeks or more, pertussis (whooping cough) vaccine is a medication contraindicated for children over the age of 6 years.
- e) Any child 6 years of age or over not having been immunized against diphtheria or tetanus shall receive 2 injections of diphtheria-tetanus separated by intervals of 4-6 weeks or more with a reinforcing dose at least 6 months after second.
- d)(f) Diphtheria, Pertussis, Tetanus

- 1) Any non-school-age child entering a child care facility or school under the kindergarten level (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) must show proof (see Section 695.50) of having received three doses of Diphtheria, Pertussis, Tetanus (DPT) by one year of age and one additional dose by the second birthday. Individual doses in the series must have been received no less than four weeks apart. The interval between the third and fourth or final dose must be at least 6 months. Any child 24 months of age or older shall present proof of four doses of DPT vaccine, appropriately spaced.

- 2) Any child 5 years of age or younger entering school, kindergarten or first grade, for the first time must show proof (see Section

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his--or--her--entrance--to--kindergarten--or--first--grade--Any-child  
not--having--received--primary--immunization--against--polio--with--live  
oral--polio--vaccine--shall--receive--2--doses--(no--less--than--six--weeks  
apart)--of--trivalent--live--oral--polio--vaccine--prior--to--entering  
kindergarten--or--first--grade--and--a--booster--at--least--6--months--after  
the--second:

3) A course of enhanced-potency inactivated polio poliovirus vaccine  
(e-IPV) or inactivated polio vaccine (IPV) and appropriate  
boosters may, for an individual child, be substituted for  
vaccination with Trivalent Oral Polio Vaccine (TOPV) live-oral  
polio-virus-vaccine at the direction of a physician licensed to  
practice medicine in all its branches.

4) School age children entering a child care facility shall comply  
with the immunization requirements in accordance with subsections  
(e)(2) and (3) above.

(f) Measles

1) Any non-school-age child entering a child care facility or school  
under the kindergarten level (defined as nursery schools,  
pre-school programs, early childhood programs, Head Start, early  
intervention programs serving children at home, or other  
pre-kindergarten child care programs offered or operated by a  
school or school district) shall present evidence of having  
received one dose of live measles virus vaccine by the second  
birthday. The measles vaccine must have been received at 12 to 15  
months of age or older. A child-immunized-with-live-measles  
virus-vaccine-at-twelve-months-of-age-or-older-who-resides-in-an  
area-identified-by-the-Department-as-high-risk-for-measles-at-the  
time-of-vaccine-administration-may-be-considered-protected--and  
in-compliance.

2) The child shall present evidence that he or she has:

A) been age-appropriately immunized against red measles  
(rubeola) prior to entering a child care facility or school,  
including school programs under the kindergarten level, for  
the first time, or

B) a statement from the physician that he or she has had  
measles (rubeola), or

C) laboratory evidence of measles immunity.

3) Children who have had measles or have been immunized with one  
dose of live measles virus vaccine at 15 months of age or older  
or children who have had two doses of live measles virus vaccine  
the first dose at least 12 months of age and the second dose no  
less than 1 month after the first, shall be considered protected  
and in compliance. At the direction of a physician licensed to  
practice medicine in all its branches, a child immunized with  
live measles virus vaccine at 12 months of age or older who  
first enters school in Illinois between August 1977 and September  
1981, may be considered protected and in compliance.

3) Children entering school at the 5th grade for the first time

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695.50) of having received four or more doses of Diphtheria,  
Pertussis, Tetanus (DPT) with the last dose being a booster and  
having been received on or after the 4th birthday, but prior to  
school entrance, or within one year prior to school entrance.  
Individual doses in the series must have been received no less  
than four weeks apart. The interval between the third and  
fourth, or final dose, must be at least 6 months. Children six  
years of age or older may receive Tetanus, Diphtheria (Td)  
vaccine in lieu of DPT vaccine. Pertussis vaccine is not  
medically recommended for children 7 years of age or older.

3) Any child entering school at a grade level not included in  
subsection (d)(1) or (2) of this Section 6-years-of-age-or-older  
must show proof (see Section 695.50) of having received three or  
more doses of DPT or Tetanus, Diphtheria (Td) with the last dose  
being a booster and having been received on or after the 4th  
birthday. Individual doses in the series must have been received  
no less than four weeks apart. The interval between the second  
and third, or final dose, must be at least 6 months.

4) If 10 years have elapsed since the last booster, an additional Td  
booster is required.

5) School age children entering a child care facility shall comply  
with the immunization requirements in accordance with subsections  
(d)(2), (3) and (4) above.

(e) Polio

1) Any non-school-age child entering a child care facility or school  
under the kindergarten level (defined as nursery schools,  
pre-school programs, early childhood programs, Head Start, early  
intervention programs serving children at home, or other  
pre-kindergarten child care programs offered or operated by a  
school or school district must show proof (see Section 695.50) of  
having received two doses of Trivalent Oral Polio Vaccine  
trivalent-live-oral-polio-vaccine (TOPV) by one year of age and a  
third dose by the second birthday. Individual doses in the  
series must have been received no less than 6 weeks apart. The  
interval between the second and third, or final dose, must be at  
least 6 months. Any child 24 months of age or older shall  
present proof of at least three doses of TOPV, appropriately  
spaced.

2) Any child entering school at any grade level, K-12, must show  
proof (see Section 695.50) of having received three or more doses  
of Trivalent Oral Polio Vaccine (TOPV) with the last dose being a  
booster and having been received on or after the 4th birthday,  
but prior to school entrance. The first two doses in the series  
must have been received no less than six weeks apart. The  
interval between the second and third or final dose must be at  
least six months. If the child has received primary immunization  
against polio with live-oral-polio-vaccine--a--booster--dose--of  
trivalent-live-oral-polio-vaccine--shall-be-administered-prior-to

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~~after July of 1990, entering the 9th grade--for--the--first--time after July of 1991--and--entering any grade level, K-12, must after July of 1991, will be required to show evidence of having received two doses of live measles virus vaccine, the first dose at least 12 months of age or older and the second dose no less than 1 month after the first or other proof of immunity as described in this Part.~~

4) For students attending school programs where grade levels (K-12) are not assigned, including special education programs, proof of two doses of measles vaccine as described in subsection (f)(3) of this Section ~~that~~ shall be submitted prior to the school year in which the child reaches the ages of 5, 10, and 15.

5) School age children entering a child care facility shall comply with the immunization requirements in accordance with subsections (f)(2), (3), and (4) ~~and (5)~~ above.

## g) Mumps

1) Any non-school-age child entering a child care facility or school under the kindergarten level (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) shall present evidence of having received one dose of live mumps virus vaccine by the second birthday. The mumps vaccine must have been received at twelve (12) months of age or older ~~(preferably at fifteen (15) months of age or older).~~

2) The child shall present evidence that he or she has:

A) been age-appropriately immunized against mumps prior to entering a child care facility or school, including school programs under the kindergarten level, for the first time, or

B) a statement from the physician that he or she has had mumps, or

C) laboratory evidence of mumps immunity (see Section 695.50(e)).

3) Children entering school at any grade level, K-12, must show evidence of having received at least one dose of mumps vaccine at 12 months of age or older.

4) Only those children who have had mumps or have been immunized with live mumps virus vaccine at twelve (12) months or older, had physician diagnosed mumps disease, or show laboratory evidence of immunity shall be considered to be immune.

4) All children currently enrolled in school in Illinois who are susceptible to mumps must show proof of immunity prior to enrolling for school year 1987-88.

5) School age children entering a child care facility shall comply with the immunization requirements in accordance with subsections (g)(2), (3) and (4) above.

## DEPARTMENT OF PUBLIC HEALTH

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## h) Rubella

1) Any non-school-age child entering a child care facility or school under the kindergarten level (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) shall present evidence of having received one dose of rubella vaccine by the second birthday. The rubella vaccine must have been received at twelve (12) months of age or older ~~(preferably at fifteen (15) months of age or older).~~

2) The child shall present evidence that he or she has:

A) been age-appropriately immunized against rubella prior to entering a child care facility or school, including school programs under the kindergarten level, for the first time, or

B) laboratory evidence of immunity to rubella ~~a blood titer of 1:16 for equivalent titer or greater.~~

3) Children entering school at any grade level, K-12, must show evidence of having received at least one dose of rubella vaccine at 12 months of age or older.

4) Only those children who have laboratory ~~(serologic)~~ evidence of rubella immunity or have been immunized with rubella vaccine at twelve (12) months or older, or have a laboratory (serologic) evidence of immunity to rubella, shall be considered to be immune.

5) School age children entering a child care facility shall comply with immunization requirements in accordance with subsections (h)(2), and (3) and (4) above.

## i) Haemophilus influenzae type b (Hib)

1) Any child under 5 years of age entering a child care facility or school under the kindergarten level (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by a school or school district) shall present evidence of immunization that complies with the Hib vaccination schedule in Appendix A of this Part. Any child who has reached his fifth birthday shall not be required to present evidence of immunization.

2) Children 24-59 months of age who have not received the primary series of Hib vaccine, according to the Hib vaccination schedule, must show proof of receiving one dose of Hib vaccine at 15 months of age or older.

## j) Hepatitis B

1) Any child 2 years of age or older entering a child care facility or school under the kindergarten level (defined as nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered or operated by



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a school or school district) after July 1997 shall present evidence of having received 3 doses of hepatitis B vaccine. The first two doses must have been received no less than 4 weeks apart, and the interval between the second and third dose must be at least two months.

2) The child shall present evidence that he or she has:

A) been age-appropriately immunized against hepatitis B prior to entering a child care facility or school, including school programs under the kindergarten level, for the first time, or

B) laboratory evidence of prior or current hepatitis B infection.

3) Only those children who have been immunized with hepatitis B vaccine in accordance with subsections (j)(1) and (2) of this Section shall be considered immune.

4) School age children entering a child care facility shall comply with the immunization requirements in accordance with this subsection (j).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 695.30 Exceptions

a) The provisions of this Act shall not apply if:

1) The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his or her religious tenets or practices, or

2) A physician licensed to practice medicine in all its branches states in writing that the physical condition of the child is such that the administration of one or more of the required immunizing agents is medically contraindicated.

b) If a religious objection is made, a written and signed statement from the parent or legal guardian detailing such objections must be presented to the child care facility or local school authority. The religious objection statement shall be considered valid if:

1) The parent or guardian of a child entering a child care facility objects to the immunization(s) on the grounds that they conflict with the tenets and practices of a recognized church or religious organization of which the parent is an adherent or member; or

2) The objection by the parent or guardian of a child entering school (including programs under the kindergarten level) sets forth the specific religious belief which conflicts with the immunization(s). The religious objection may be personal and need not be directed by the tenets of an established religious organization.

c) It is not the intent of this Part that any child whose parents comply with the intent of this Act should be excluded from a child care

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facility or school. A child or student shall be considered to be in compliance with the law if there is evidence of the intent to comply. Such evidence may be a signed statement from the physician that he has begun, or will begin, the necessary immunization procedures, or the parent's or guardian's written consent for the child's participation in a school or other community immunization program.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 695.50 Proof of Immunity

a) Proof of immunity shall consist of documented evidence of the child having received a vaccine (verified by a health care provider, defined as a physician, child care or school health professional, or health official) or proof of disease (as described in subsections (c) through (f) ~~to~~ below). As used in this Section, "physician" means a physician licensed to practice medicine in all of its branches (M.D. or D.O.).

b) The day and month of the vaccine is required if it cannot otherwise be determined that the vaccine was given after the minimum interval or age.

c) Proof of prior measles disease must be verified with the date of illness signed by a physician, or laboratory evidence of immunity by ~~an antibody titer of 1:16 (or equivalent titer) or greater.~~

d) The only acceptable proof of immunity for rubella is evidence of vaccine (see subsection (b) above) or laboratory evidence of immunity ~~a blood titer of 1:16 (or equivalent titer) or greater.~~

e) Proof of prior mumps disease must be verified with date of illness signed by a physician or laboratory evidence of immunity. Laboratory evidence of mumps is only acceptable if the diagnostic test utilized to assess immunity is one with demonstrated reliability, including neutralization, enzyme-linked immunosorbent assay (ELISA or EIA), or radial hemolysis antibody test. A four-fold rise in mumps antibody titer between appropriately spaced acute and convalescent sera is also acceptable as proof of immunity.

f) Proof of prior or current hepatitis B infection must be verified by laboratory evidence. Laboratory evidence of prior or current hepatitis B infection is only acceptable if one of the following serologic tests indicates positivity: HBsAg, anti-HBc and/or anti-HBs.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 695.APPENDIX A Vaccination Schedule for Haemophilus influenzae type b Conjugate Vaccines (Hib) (HbEV)

Vaccine	Age at 1st dose (mos.)	Primary series	Booster	Total number of doses for series
HbOC/PRP-T	2-6	3 doses, 2mo. apart (a)	12-15 mo. (b)(c)	4
HibTITER	7-11	2 doses, 2mo. apart (a)	12-18±5 mo. (b)(c)	3
†Sedentia-Praxis	12-14	1 dose	15 mo. (b)(c)	2
†Hibee†	15-59	1 dose (d)††	None	1
ActHib				
OmnHib				
†TETRAMUNE				
PRP-OMP	2-6	2 doses, 2mo. apart (a)	12 mo. (b)(c)	3
PedvaxHIB	7-11	2 doses, 2mo. apart (a)	12-18±5 mo. (b)(c)	3
†Merck-Sharp and-Bohme†	12-14	1 dose	15 mo. (b)(c)	2
†PRP-OMP†	15-59	1 dose (d)	None	1

## PRP-D

## PROHIBIT

†Connaught†

†PRP-B†

15-59 1 dose (c)(d)

None

1

(a) Minimally acceptable interval between doses is one month

(b) At least two months after previous dose

(c) After the primary infant Hib vaccine series is completed, any of the licensed Hib conjugate vaccines may be used as a booster dose

(d)††children 15-59 months of age should receive only a single dose of Hib HbEV vaccine

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Nursing Education Scholarships2) Code Citation: 77 Ill. Adm. Code 5973) Section Numbers: Proposed Action:

597.100 Amendment

597.110 Amendment

597.310 Amendment

4) Statutory Authority: Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975] (See Public Act 89-237/HB 1790, effective August 4, 1995)

5) A Complete Description of the Subject and Issues Involved: This rulemaking implements Public Act 89-237 by deleting the eligibility requirement for nursing education scholarships that requires successful completion or expected completion by the end of the academic year of high school or an alternative program and requires applicants to have a high school grade point average or class rank in the upper 1/2 of the applicant's high school class. The rulemaking also specifies that the Department may refer collection matters to the Department of Professional Regulation in addition to the existing options of the Attorney General or a collection agency.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No7) Does this Rulemaking Contain an Automatic Repeal Date? No8) Does this Rulemaking Contain any Incorporations by Reference? No9) Are there any other Proposed Amendments Pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing to:

Gail M. DeVito  
Division of Governmental Affairs  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217) 782-6187

within 45 days after this issue of the *Illinois Register*

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These rules may have an impact on small businesses. Any small business commenting on these rules shall indicate their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses Affected: This rulemaking will not affect small businesses.
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
- C) Types of Professional Skills Necessary for Compliance: None

- 13) Date of regulatory agenda on which this rulemaking was summarized: The need for this rulemaking had not been identified at the time the Department's regulatory agenda was filed.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER 9: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 597  
NURSING EDUCATION SCHOLARSHIPS

## SUBPART A: INTRODUCTION

Section  
597.10 Definitions

## SUBPART B: ELIGIBILITY AND APPLICATION

Section  
597.100 Eligibility  
597.110 Application

## SUBPART C: AWARD OF SCHOLARSHIPS

Section  
597.200 Scholarship Description  
597.210 Determination of Financial Need  
597.220 Selection Criteria for Award of Scholarships

## SUBPART D: TERMS OF PERFORMANCE

Section  
597.300 Contract  
597.310 Repayment of Scholarship  
597.320 Forgiveness of Scholarship

**AUTHORITY:** Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975].

**SOURCE:** Adopted at 17 Ill. Reg. 13763, effective August 10, 1993; amended at 18 Ill. Reg. 17720, effective November 30, 1994; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: ELIGIBILITY AND APPLICATION

## Section 597.100 Eligibility

To be eligible to receive a scholarship under this program, an applicant must meet the eligibility criteria outlined in Section 5 of the Law showing:

- a) *That he or she has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident alien of the United States;*



## DEPARTMENT OF PUBLIC HEALTH

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- b) ~~What-he-or-she-has-successfully-completed-the-program-of--instruction at--an--approved--High--School--or--an--alternative--High--School--degree program--or--is-a-student-in-good-standing-at--such--a--school--and--is engaged--in--a--program--which--will--be--completed--by--the-end-of-the academic-year--and-in-either-event-that-his-or-her-cumulative--grade point-average-was-or-is-in-the-upper-1/2-of-the-high-school-class--or is-licensed-in-Illinois-as-a-practical-nurse--and~~
- b)c) That he or she agrees to serve as a registered professional nurse or licensed practical nurse in Illinois in accordance with Section 6 of the Law (Section 5 of the Law); and
- c)d) That he or she is enrolled or accepted for admission to an approved practical nursing education program, associate degree nursing education program, hospital-based diploma nursing education program or baccalaureate degree nursing education program.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 597.110 Application

- a) Application forms are prescribed by the Department and available at financial aid offices and departments of nursing in approved schools, as well as directly from the Department. Applications submitted must include:

- 1) proof of one year of permanent legal residence, documented by submitting a copy of a federal or State income tax return filed the year prior to application, a copy of a utility bill that includes applicant's name and address from one year prior to the application, or a copy of a current Illinois driver's license or an identification card issued by the Secretary of State;
- 2) proof of applicant's enrollment in or acceptance for admission to an approved practical nursing education program, associate degree nursing education program, hospital-based diploma nursing education program, or baccalaureate degree nursing education program, documented by academic advisor's signature on a form included in the application packet;
- 3) a copy of applicant's Student Aid Report (SAR) which is generated from the needs analysis document used to determine Student Aid Methodology Family Contribution (SAMFC); and
- 4) proof-of-applicant's-upper-1/2-rank-in-class-upon-high-school graduation--documented-by--either--high--school--administrative personnel--or--the-financial-aid-office-at--the-college/university where-enrolled--if-form--included--in-the-application-packet--or completion--of--an--alternative--high--school--degree--program documented--by--a--General-Educational-Developmental-(GED)--test score-recognized-by-the-General-Educational-Development--Testing Service-as-the-equivalent-to-ranking-in-the-top-50-percent-of-the United---States---high-school--graduates--or--a-copy-of--the

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- applicant's-current-practical-nurse-license--if-applicable: b) Incomplete applications and those received after application deadline will not be considered for scholarship awards. During the application cycle, all applicants will be notified in writing regarding the status of their applications. Corrections may be made during this time period.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: TERMS OF PERFORMANCE

## Section 597.310 Repayment of Scholarship

- a) Recipients will be required to monetarily repay scholarship funds under the following circumstances:
- 1) failure to complete studies due to academic failure or voluntary actions; or
  - 2) completion of studies but failure to meet the forgiveness requirement as stated in Section 597.320 of this Part.
- b) Payments must begin 6 months following the date of the occurrence initiating the repayment.
- 1) Payments will include interest of 7% per year on the unpaid balance.
  - 2) All repayments must be completed within 6 years from the date of the occurrence initiating the repayment (Section 6 of the Law).
- c) Recipients subject to repayment shall enter into a repayment contract with the Department as soon as the status for payback has been established. This contract shall specify the amount due to be repaid, the schedule for repayment, and all other terms of the repayment. Interest charges shall be completely waived if the recipient repays the total scholarship amount prior to the first payment due date.
- d) In the event a scholarship recipient fails to pay monies owed to the Department, the Department shall refer the matter to the Department of Professional Regulation for licensure sanctions, to the Attorney General, or to a collection agency. If--the--collection--agency--is unsuccessful--the--Department--shall--refer--the--matter--to--the--Attorney General. The total 6-year interest shall be due if the recipient fails to fulfill the repayment requirements and the case is settled through authorized agencies outside the Department.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, IL 62794-9429  
(217) 785-3896 or TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Centers for Independent Living

2) Code Citation: 89 Ill. Adm. Code 885

3) Section Numbers: Proposed Action:

- 885.10 Repealer
- 885.30 Repealer
- 885.100 Repealer
- 885.110 Repealer
- 885.200 Repealer
- 885.210 Repealer
- 885.300 Repealer
- 885.310 Repealer
- APPENDIX A Repealer
- APPENDIX B Repealer
- APPENDIX C Repealer
- APPENDIX D Repealer
- APPENDIX E Repealer
- APPENDIX F Repealer

4) Statutory Authority: Implementing and authorized by Section 12a of the Disabled Persons Rehabilitation Act (20 ILCS 3443/12a), and 29 U.S.C. 711 and 796.

5) A Complete Description of the Subjects and Issues Involved: These rules are being repealed and new rules with the same title promulgated at 89 Ill. Adm. Code 886. The 1992 Amendments to the Rehabilitation Act of 1973 (29 U.S.C. 701-796i) and resultant regulations made extensive changes to provisions governing CILs. Therefore, repeal of this Part is necessary.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager

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## NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 885  
CENTERS FOR INDEPENDENT LIVING (REPEALED)

## SUBPART A: GENERAL PROVISIONS

Section  
885.10 Definitions  
885.30 Eligibility for CIL Establishment Grants

## SUBPART B: CIL ESTABLISHMENT GRANT SELECTION CRITERIA

Section  
885.100 Developmental and Organizational Activities and Accomplishments  
885.110 Program Plan

## SUBPART C: CONTINUATION GRANT APPLICATION CRITERIA

Section  
885.200 General Instructions  
885.210 Program Plan

## SUBPART D: COMPLIANCE STANDARDS AND CRITERIA

Section  
885.300 Annual Compliance Review  
885.310 Appeal of Compliance Review Ratings

APPENDIX A CIL Establishment Grant Application Peer Reviewer Rating Forms  
APPENDIX B Compliance Review Report Rating Sheet (IL 488-1998)  
APPENDIX C Other Assurances (IL 488-2033)  
APPENDIX D Internal Revenue Certification (IL 488-2035)  
APPENDIX E Additional Assurances-I through XVII  
APPENDIX F CIL Continuation Grant Application (IL 488-1769)

AUTHORITY: Implementing and authorized by Section 12a of the Disabled Persons Rehabilitation Act (20 ILCS 3443/12a) and 29 U.S.C. 711 and 796 (34 CFR Parts 364, 366, and 367 (1989)).

SOURCE: Adopted at 15 Ill. Reg. 7221, effective April 30, 1991; repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 885.10 Definitions

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

"Advocacy" means efforts to remove systemic and individual barriers to independent living.

"CIL" means centers for independent living, which are consumer controlled, community based, non-residential, not-for-profit corporations providing services to disabled persons, which services maximize those persons' independence in and integration into their community (Section 12a of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3443a (the Act))).

"Consumer" means a user or potential user of the CIL's services.

"Consumer Controlled" means that at least 51% of the directors of the CIL corporation are disabled as defined by Section 12a of the Act.

"Person with disability" means an individual whose ability to function independently in family or community, or whose ability to engage or continue in employment is so limited by the severity of his or her physical or mental disability that it has been determined that independent living rehabilitation services are required in order to enable achieving a greater level of independence in functioning in family or community or engaging or continuing in employment (34 CFR 365.1, Individual with severe handicaps, (July 1, 1990)).

## Section 885.30 Eligibility for CIL Establishment Grants

- a) Applicants for establishment grants from the Department of Rehabilitation Services (DORS) will be subject to a peer group review using the selection criteria in Subpart B of this Part. The peer group, composed of 9 non-DORS employees with experience in the independent living field, will make recommendations based upon the total score each grant proposal receives (see Appendix A) to the Director, who shall make the final grant decision.
- b) Grant priorities shall be established with consideration of the recommendations of the Independent Living Advisory Council's Five Year State Plan for Independent Living. Priority shall also be given to the establishment of CILs in geographic areas which have underserved populations. The provision of these grants is subject to the availability of funds.
- c) The recipient or applicant of a CIL establishment grant must be an Illinois incorporated non-profit, non-residential organization which is consumer controlled.
- d) The application for this grant must:
  - 1) contain assurances that the CIL shall promote and practice the following independent living philosophy in programming:
    - A) consumer control of policy direction and management of the CIL;



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- B) consumer control of the development of independent living service objectives and services;
- C) self-help and self-advocacy;
- D) equal access to society by persons with disabilities;
- E) equal access to programs and physical facilities;
- F) development of peer relationships and peer role models;
- G) meeting the specific independent living needs of the local community; and
- H) a range of services to all persons with disabilities.
- 2) state that qualified people with disabilities shall be substantially involved in the policy direction, decision-making, service delivery and management of the CIL, and given preference as:
- A) members of Boards of Directors (at least 51% of the membership shall be qualified people with disabilities);
- B) managers and supervisors;
- C) staff; and
- D) volunteers.
- 3) contain assurances that the center will provide the following services to the extent possible:
- A) individual advocacy;
- B) independent living skills training;
- C) peer counseling; and
- D) information and referral.
- 4) discuss other consumer services the center will provide, as appropriate, including:
- A) legal services;
- B) other counseling services (e.g., non-peer, group, family);
- C) housing services;
- D) equipment services;
- E) transportation services;
- F) social and recreational services;
- G) educational services;
- H) vocational services, including supported employment;
- I) reader, interpreter, and other communication services;
- J) attendant and homemaker services; and
- K) electronic services.
- 5) contain assurances that the center shall conduct activities to increase community capacity to meet needs of persons with disabilities including:
- A) systemic advocacy and technical assistance services to improve community options, remove community barriers, and create access to public programs;
- B) public information and education (e.g., presentations, press);
- C) outreach to consumers and service providers; and
- D) initiatives to establish an active role for the disabled community.

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- e) Preparation of a complete application must include:
- 1) The application cover sheet and budget summary.
- 2) Program narrative (must conform to following outline)
- A) Statement of purpose and relationship to DORS objectives. In one or two paragraphs, summarize the overall general purpose of the proposed project and how its mission relates to DORS objectives for this "Request for Proposal".
- B) Developmental and organizational activities and accomplishments. In this section discuss each of the seven main areas listed under Selection Criteria, Part I.
- C) Program Plan - discuss each of the seven main areas listed under Selection Criteria, Part II.
- D) Goals/Objectives/Activities.
- i) List the project's goals and how the purpose of the program is to be carried out.
- ii) List the project's objectives in specific and measurable terms. Specify in detail what the objectives are for the project period. Objectives are considered measurable if they specify either number (for example, "200 clients to be evaluated in the first year") or completion dates (for example, "test battery to be planned and in use within 60 days" or "all potential employees to be interviewed and on staff, within the first 2 months of the project.")
- NOTE: The goals, objectives and activities as listed in the approved grant will be the primary basis for project monitoring and evaluation. Be as concise as possible. For new projects, there should be an objective covering program establishment.
- iii) List for each objective the specific activities, including completion dates, planned to carry out the objective. Activities should clearly state how the service or project is to be performed. Also estimate the amount of time, by individual employee, needed to accomplish each task.
- iv) Give a brief narrative summarizing, to the extent possible, the future directions of the project.
- 3) Budget detail and justification (use appropriate sheets as needed).
- A) Personal Services Detail Sheet.
- B) Fringe Benefit Detail Sheet.
- C) Equipment Detail Sheet.
- D) Travel Detail Sheet.
- E) Commodities Detail Sheet.
- F) Contractual Services Detail Sheet.
- G) Other Expenses Detail Sheet.
- Following each completed Budget Detail Sheet there must be a page(s) of budget justification. Any remodeling must be reported

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

on Contractual Services Detail Sheet. Failure to include a separate justification sheet for each budget detail sheet will delay consideration and processing of a grant application.

- 4) Attachments.
  - A) Other Assurances - See Appendix C.
  - B) IRS Certification - See Appendix D.
  - C) Additional Assurances I through XVII - See Appendix E.
  - D) Copy of applicant agency's most recent Certified Audit (if applicable).
  - E) A copy of the organization's not-for-profit corporation status under the Illinois General Not-For-Profit Corporation Act of 1989. (Ill. Rev. Stat. 1989, ch. 32, pars. 101.01 et seq.).
  - F) Organizational Chart.
  - G) Position descriptions and justification for each staff person projected to be hired (place behind personnel budget page).
  - H) Support Letters.
- f) Notification of Grant Award.
  - 1) The applicants will be notified in writing as to the status of their applications.
  - 2) Any necessary negotiations and/or refinements will be made.
  - 3) If a grant is considered for funding, DORS will send a copy of a completed contract to the applicant for signature. Before signing the contract, the applicant should clarify any questions they might have.
  - 4) If an application is approved, the grantee will be sent the following:
    - A) Approval letter signed by the Director of DORS;
    - B) Conditions and details of grant award. (This will include the dates of the project period, dates within which purchase orders for equipment must be issued and/or staff hired, reference to Chattel Mortgage filing if appropriate, the date on which the final Request for Release of Funds must be in the DORS Central Office, and the name of the DORS CIL Liaison assigned to the grant, and any other special conditions if appropriate);
    - C) A copy of the contract signed by the Director of DORS; and
    - D) A copy of the grant application package as approved.
  - 5) No purchase orders may be issued or funds obligated prior to the approval of the grant.

## SUBPART B: CIL ESTABLISHMENT GRANT SELECTION CRITERIA

## Section 885.100 Developmental and Organizational Activities and Accomplishments

- a) Each grant proposal must contain evidence:

## DEPARTMENT OF REHABILITATION SERVICES

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- 1) of broad-based support of people with disabilities and consumer groups;
- 2) that efforts have been made to involve people with a variety of disability types in organizing the CIL initiative;
- 3) that the group or board which is developing the CIL proposal is composed of at least a majority of people with disabilities; and
- 4) of majority (51%) involvement of persons with disabilities in the planning and development of the CIL.
- b) The grant proposal shall show knowledge of community resources and needs by containing information:
  - 1) demonstrating the applicant's knowledge of existing community resources and services already being provided to people with disabilities; and
  - 2) which shows an understanding of what services and resources are needed in the community to facilitate independent living of persons who have disabilities.
- c) The grant proposal shall demonstrate the applicant is involved and supported by the community by documenting:
  - 1) efforts to provide information to and gain the support of the city council, county board or other local government entities;
  - 2) efforts to gain the support and cooperation of other community agencies, organizations, and the business community; and
  - 3) efforts to gain the support and/or direct involvement of key community leaders and/or people with expertise or skills necessary for the efficient operation of the program (e.g., lawyers, accountants, bankers, business people, service providers).
- d) The grant proposal shall contain letters of support from:
  - 1) people with disabilities;
  - 2) consumer groups;
  - 3) government agencies (e.g., town councils, county boards);
  - 4) service agencies;
  - 5) key individuals (e.g., state and federal legislators); and
  - 6) business owners and employers.
- e) The grant proposal shall contain information about the applicant's (or individual group member's) achievements and describe:
  - 1) the type and extent of involvement in advocacy efforts;
  - 2) the extent of involvement in various community activities relating to people with disabilities;
  - 3) the extent of participation in the identification and resolution of issues affecting people with disabilities; and
  - 4) the extent to which direct services have been provided.
- f) Each proposal shall contain established program priorities, based on the applicant's knowledge of services and resources needed for independent living by people with disabilities in their respective communities.
- g) Each proposal shall contain the proposed CIL's short- and long-range geographic scope.

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Section 885.110 Program Plan

- a) Each proposal shall contain a plan of operation which describes:
  - 1) the design of the project;
  - 2) a plan of management that insures proper and efficient administration of the project;
  - 3) a description of how the objectives of the project relate to the purpose of the program;
  - 4) the way the applicant plans to use its resources and personnel to achieve each objective; and
  - 5) a description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as:
    - A) members of racial or ethnic minority groups;
    - B) women;
    - C) persons with disabilities; and
    - D) the elderly.
- b) Service comprehensiveness.
  - 1) Each proposal shall contain information on the scope of services.
  - 2) The proposal shall include evidence that:
    - A) individual services and service objectives will be consumer controlled;
    - B) demonstrates that the CIL will utilize, and therefore not duplicate, services which are presently being provided in the community and meet existing needs;
    - C) the CIL will provide the following consumer directed services:
      - i) peer counseling (formalized program);
      - ii) independent living skills training (e.g., health care, financial management, etc.);
      - iii) advocacy; and
      - iv) information and referral.
    - D) efforts will be made to provide as many as possible of the following consumer directed services. Services to be provided should be listed and discussed.
      - i) legal services;
      - ii) other counseling services (e.g., non-peer, group, family);
      - iii) housing services;
      - iv) equipment services;
      - v) transportation services;
      - vi) social and recreational services;
      - vii) educational services;
      - viii) vocational services, including supported employment;
      - ix) reader, interpreter, and other communication services;
      - x) attendant and homemaker services; and
      - xi) electronic services.
  - E) the project will provide services to individuals with a

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- broad range of disabilities including persons with mental retardation, mental illness, or sensory impairments; and
- F) the project will implement a timely and equitable appeal process which will be available to the CIL's consumers to resolve grievances.
  - c) Key personnel.
    - 1) Each proposal shall include information which shows the qualifications of the board members and staff members the applicant plans to use on the project.
    - 2) The proposal shall contain information which shows:
      - A) a commitment to hiring qualified people with disabilities (see Section 885.300(f)(2)(F));
      - B) the time that each person referred to in this subsection will commit to the project; and
      - C) the extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as:
        - i) members of racial or ethnic minority groups;
        - ii) women;
        - iii) persons with disabilities; and
        - iv) the elderly.
    - d) Budget and cost effectiveness.
      - 1) Each application will be reviewed for information showing that the project has an adequate budget and is cost effective.
      - 2) Each proposal shall contain information which shows:
        - A) the budget for the project is adequate to support the project activities; and
        - B) costs are reasonable in relation to the objectives of the project.
    - e) Evaluation plan.
 

The proposal must contain:

      - 1) information showing methods of evaluation for the project and, to the extent possible, are objective and produce data that are quantifiable;
      - 2) an evaluation plan which, at the end of each funding cycle, shall reflect at a minimum the following:
        - A) the numbers and types of people with disabilities assisted;
        - B) the extent to which individuals with varying disabling conditions were served;
        - C) the types of services provided;
        - D) the sources of funding;
        - E) the percentage of resources committed to each type of service provided;
        - F) how services provided contributed to the maintenance or the increased independence of individuals with disabilities;
        - G) the extent to which persons with disabilities participate in



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management and decision-making in the center;

- H) the extent of capacity building activities including collaboration with other agencies and organizations;
- I) the extent of catalytic activities to promote community awareness, involvement, and assistance;
- J) the extent of outreach efforts and the impact of such efforts; and
- K) a comparison, when appropriate, of prior year(s) activities with most recent year activities.

## f) Adequacy of resources.

The proposal must contain information which shows the equipment and supplies that the applicant plans to use are adequate. For example, staff and fringe benefit costs are budgeted, as well as rent and security deposit for the duration of the contract period, telephone installation, long distance and local service and equipment to be utilized in the office which will include desks, chairs, file cabinets, computer systems, tables and other nonconsumable equipment.

- g) Physical and Programmatic Accessibility.  
The proposed application must provide written assurances that the following Non-Discrimination Compliance Requirements will be adhered to: Section 504 of the Rehabilitation Act as amended, (29 U.S.C. 794), Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance, (34 CFR 104), the Illinois Human Rights Act, (Ill. Rev. Stat. 1989, ch. 68, pars. 1-101 et seq.), the Illinois Accessibility Code (71 Ill. Adm. Code 400). These statutes and rules require subrecipients to be accessible in terms of employment practices, programs and physical structure.

## SUBPART C: CONTINUATION GRANT APPLICATION CRITERIA

## Section 885.200 General Instructions

- a) Separate contracts will be established for the funding sources of Title VII-Part A funds and General Revenue Match funds, and for General Revenue funds.
- b) To simplify processing please round cents to the nearest whole dollar.
- c) The original and three copies of the application must be disbursed to:
  - 1) Department of Rehabilitation Services, Division of Independent Living, 623 E. Adams St., P.O. Box 19429, Springfield, IL 62794-9429 (original);
  - 2) CIL/DORS Liaison (copy);
  - 3) DORS Regional Administrator (copy); and
  - 4) CIL (copy).
- d) Applications are due in DORS' Division of Independent Living by April 1st of each calendar year.

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## Section 885.210 Program Plan

The program plan must contain:

- a) Cover Page.
- b) Table of Contents
- c) Program Narrative - this narrative must not exceed five double spaced typewritten pages. Briefly describe the program, plan of operation, who is served, expected outcomes and benefits to consumers served, geographic scope of the project and the expected community impact.
- d) Goals, Objectives and Activities - a goal must be included, with objectives and activities for each of the following areas:
  - 1) community impact (systems advocacy);
  - 2) long-range planning;
  - 3) services to individuals (must include the four mandated services and all others provided by the CIL);
  - 4) development and fundraising activities - must include a projected total dollar amount to be raised; and
  - 5) financial and compliance audit recommendations.

- e) Goals, objectives and activities must be written in measurable terms. This section represents the CIL's plan for the next 12 months and thus should be listed in priority order and formatted as follows:

Goal

XXXXXXXXXXXXXXXXXXXXX

Objective

XXXXXXXXXXXXXXXXXXXXX

Activity

XXXXXXXXXXXXXXXXXXXXX

Status Report

Under each activity leave a space for the status report on that activity. This will reduce the time in preparing the annual goals and objectives report.

- f) Funding available for each CIL will be determined in part by the CIL's rating in the Annual Compliance Review (See subsections 885.300 (k), (l), (m), and (n).
- g) As an attachment to the continuation grant application, each CIL applying for continuation funding must submit all assurances, signed and dated, referenced in Appendices C, D and E.

## SUBPART D: COMPLIANCE STANDARDS AND CRITERIA

## Section 885.300 Annual Compliance Review

- a) DORS shall conduct an annual on-site compliance review of each CIL funded under this Part. Based upon such review, DORS shall determine whether to renew, modify or terminate each CIL's grant. (Section 12a of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3443a (the Act)).

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- b) The compliance review shall be based upon the CIL's performance as measured by the Compliance Review Rating Sheet (IL 488-1998) (see Appendix B Compliance Review Report for Center for Independent Living) which is based on the National Standards and Criteria for Independent Living Centers as accepted by the National Council on Disability. Each CIL shall receive one of three ratings: Full Compliance, Partial Compliance, or Noncompliance.
- c) If funding is available, DORS will utilize a team of three Peer Reviewers to perform the annual compliance review. The Peer Review team shall be established by DORS and the Illinois Network of Centers for Independent Living (INCL) and shall include:
- 1) one Director of a CIL:
    - A) who has 3 years of management experience in an Illinois CIL; and
    - B) who is chosen by the CIL being reviewed from a list of four (4) Directors submitted by the Manager of the DORS Independent Living Program.
  - 2) one staff member of the DORS Independent Living Program:
    - A) who is not the Project Officer for the CIL being reviewed; and
    - B) who has experience in evaluating CILs using the Compliance Review Rating Sheet (IL 488-1998).
  - 3) one consultant serving the independent living field:
    - A) who has 3 or more years of work experience in consumer-controlled CILs;
    - B) preference will be given to people with disabilities;
    - C) who has been approved by INCL;
    - D) who has no affiliation with any Illinois CIL; and
    - E) who is acceptable to the CIL being reviewed; however, each CIL will be permitted only one refusal.
  - d) When Peer Reviewers are not used because of a lack of funding, staff of the DORS Independent Living Program shall conduct the review.
  - e) A compliance review shall consist of one of the following:
    - 1) Primary Compliance Review - all of the twelve (12) standards on the Compliance Review Rating Sheet (IL 488-1998) will be applied to the CIL (see subsection (f)(3) below).
    - 2) Secondary Compliance Review - standards (see subsection (f)(2) below).
    - 3) Tertiary Compliance Review - standards (see subsection (f)(1) below).
  - f) Reviews of Existing Centers.
    - 1) All existing CILs which have been in operation for 12 months or less from the date their initial contract with DORS commenced will receive a Tertiary, Compliance Review. This review will include the following three Standards in Appendix B:
      - (A) Standard #1 "The Center shall promote and practice Independent Living Philosophy in its programming";
      - (B) Standard #5 "The Center shall provide services to disabled

## DEPARTMENT OF REHABILITATION SERVICES

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- individuals within the Center's target population and/or their families"; and
- (C) Standard #6 "The Center shall provide information and referral to all inquirers including those from outside the Center's target population."
- 2) All existing CILs which have been in operation for 24 months or less from the date their initial contract with DORS commenced will receive a Secondary Compliance Review. This review will include the following six standards in Appendix B:
- (A) Standard #1 "The Center shall promote and practice Independent Living Philosophy in its programming";
  - (B) Standard #2 "The Center shall have a clearly defined target population that includes a range of disabilities";
  - (C) Standard #5 "The Center shall provide services to disabled individuals within the Center's target population and/or their families";
  - (D) Standard #6 "The Center shall provide information and referral to all inquirers including those from outside the Center's target population";
  - (E) Standard #7 "The Center shall conduct activities to increase community capacity to meet the needs of individuals with disabilities"; and
  - (F) Standard #8 "Qualified disabled individuals shall be substantially involved in the policy direction, decision making, service delivery and management of the Center."
- 3) All existing CILs which have been in operation for 36 months or longer from the date their initial contract with DORS commenced, will receive a Primary Compliance Review. The review will include all twelve (12) of the Standards in Appendix B.
- 4) A lottery will establish the order in which CILs are reviewed for the first and subsequent years' reviews.
- 5) When a CIL has been in operation for 36 months or longer, from the date their initial contract with DORS commenced, and they have received a Primary Compliance Review, subsequent reviews will be in accordance with subsection (a)(6) of this Section and subsection (k)(1) of this Section.
- g) The DORS Division of Independent Living reserves the right to schedule a review under subsection (f)(1) at any time while the CIL is receiving funding through DORS. A review may be scheduled when situations, including, but not limited to the following, occur (e.g., evidence of abuse of consumer confidentiality as reported by a consumer of services of the CIL; evidence that IRS Form 990 had not been filed with the Federal Internal Revenue Service; or evidence that registration papers were not filed with the Secretary of State's office as required each calendar year). Every effort will be made to ensure that dates and times set for such reviews are acceptable to the CIL being reviewed.
- h) Primary Compliance Review rating requirements.

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- 1) A score of 50 or more will result in a Full Compliance rating.
- 2) A score of 40 to 49 will result in a Partial Compliance rating.
- 3) A score of 39 or less will result in a Noncompliance rating.
- 4) CILs receiving less than 30 points for a Primary Compliance Review shall have their contract(s) terminated, with thirty (30) days notice.
- 5) The CIL will have the right to appeal its rating per Section 885.310.
- i) Secondary Compliance Review rating requirements.
  - 1) A score of 25 or more will result in a Full Compliance rating.
  - 2) A score of 20 to 24 will result in a Partial Compliance rating.
  - 3) A score of 19 or less will result in a Noncompliance rating.
  - 4) CILs receiving less than 15 points shall have their contract(s) terminated with thirty (30) days notice.
  - 5) The CIL will have the right to appeal their rating per Section 885.310.
- j) Tertiary Compliance Review rating requirements.
  - 1) A score of 10 or more will result in a Full Compliance rating.
  - 2) A score of 5 to 9 will result in a Partial Compliance rating.
  - 3) CILs receiving less than 5 points shall have their contract(s) terminated with thirty (30) days notice.
  - 4) The CIL will have the right to appeal their rating per Section 885.310.
- k) CILs receiving a Full Compliance rating for a Primary, Secondary or Tertiary Compliance Review shall be:
  - 1) deemed in good standing for a period not to exceed three (3) years, during which time they will be exempt from a Primary and Secondary Compliance Review for a period not to exceed 3 years; eligible to receive renewed funding at the same level as the previous year (provided funds are available); and
  - 3) eligible to receive additional funds as may be available to DORS and as prescribed by a funding formula.
- l) CILs receiving a Partial Compliance rating for a Primary, Secondary or Tertiary Compliance Review shall:
  - 1) be required to serve a 6-month probationary period;
  - 2) receive a quarterly visit from the DORS Division of Independent Living Project Officer during the probation period, to assist the CIL in correcting deficiencies which led to the rating;
  - 3) receive a Full Compliance rating if all deficiencies are corrected by the end of the probation period, at which time the provisions of subsection (k) of this Section shall apply;
  - 4) receive a Noncompliance rating if cited deficiencies are not corrected by the end of the probation period;
  - 5) be eligible to receive renewed funding at the same level as the previous year (provided funds are available);
  - 6) not be eligible to receive any additional funds from DORS until such time as the CIL receives a Full Compliance rating; and
  - 7) will receive, at a minimum, a Secondary Compliance Review during

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- the next 3 years following the period in which the Partial Compliance rating was in effect.
- 8) The Project Officer will determine when all deficiencies have been corrected.
- m) CILs receiving a Noncompliance rating for a Primary, Secondary, or Tertiary Compliance Review shall:
  - 1) be required to serve a minimum 12-month probation;
  - 2) receive quarterly visits from the DORS Division of Independent Living Project Officer during the probationary period, to assist the CIL in correcting deficiencies which led to the rating;
  - 3) receive a Partial Compliance rating if all deficiencies are corrected by the end of the probationary period, at which time the provisions in subsection (l) of this Section shall apply;
  - 4) be eligible to receive renewed funding at the same level as the previous year (provided funds are available);
  - 5) not qualify for formula funding from DORS until such time as the CIL receives a Full Compliance rating; and
  - 6) receive a Primary Compliance Review during the first year, and a Secondary Compliance Review in the second and third year, following the period in which the Noncompliance rating was in effect.
  - 7) The Project Officer will determine when all deficiencies have been corrected.
  - n) If at the end of the 12-month probation the CIL does not receive at a minimum a Partial Compliance rating, the contract will be terminated with thirty (30) days notice.

## Section 885.310 Appeal of Compliance Review Ratings

- a) The Manager's Review
  - 1) A CIL wishing to appeal the compliance review rating must, within 30 business days of receiving the rating, write DORS Division of Independent Living requesting an appeal and specifying the findings with which the CIL disagrees. A copy of the letter shall be sent by the CIL to the Deputy Director, DORS Bureau of Rehabilitation Services.
  - 2) The Manager will schedule a meeting for between 20 and 30 business days of the date of receipt of the appeal. Within 10 business days of DORS receiving the request, the CIL will be informed in writing by the Manager of the date, time and location of the meeting.
  - 3) The Manager must be notified by the CIL of the appointment of a representative by filing, no later than 3 business days in advance of the meeting, a letter stating the representative's name, address and telephone number. That representative may be any individual chosen by the CIL. The CIL may have other persons attend the meeting, but only one person can be designated to represent the CIL.



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- 4) The CIL will be given the opportunity to provide evidence and information at the meeting to support its belief that the rating is in error. Evidence which is provided orally will be recorded on tape for accuracy.
- 5) Any evidence provided by the CIL must be applicable to the time period of the review. No information or evidence will be permitted regarding corrective actions taken by the CIL since the completion of the review.
- 6) Within 15 business days after adjournment of the meeting, the Manager will send the written decision, by registered mail, to the CIL. The decision shall contain a statement of the basis upon which it was made and information regarding the next level of appeal.
- 7) When a rating is being appealed during the contract initiation process period, the CIL will receive funding at the same level as the previous year. If the CIL receives a Full Compliance as the result of the appeal decision and is eligible to receive additional funds beyond the previous year's funding level, such funds will be amended into the contract(s) effective 30 business days from the date the rating was changed. Such funds shall not be retroactive to the contract(s) start date but available only for the period remaining in the contract(s). If the CIL loses the appeal, no additional funds will be added to the current contract.

## b) Director's Review

- 1) If the CIL is dissatisfied with the Manager's decision, the CIL may, within 15 days of receiving the decision, file a written appeal to the Director of DORS, with a copy to the Deputy Director of the Bureau of Rehabilitation Services (BRS) and the Manager.
- 2) The Director of DORS will review the original compliance review report, all evidence and information submitted by the CIL during the appeal review by the Manager, all oral and written information submitted by the CIL during the Manager's review and the decision, principal issues, facts and reasoning of the Manager.
- 3) Within 90 days of receipt of the CIL's appeal letter, the Director shall:
  - A) uphold the decision of the Peer Review Team or the Manager, (if applicable), at which time the provisions of Section 885.300 will become effective;
  - B) upgrade the rating, at which time the provisions of Section 885.300 will become effective; or
  - C) request that the compliance review be performed again by the same review team.

**Section 885, Appendix A-CIL Establishment Grant Application-Peer Reviewer Rating-Forms**

ILLINOIS DEPARTMENT OF REHABILITATION SERVICES  
DIVISION OF INDEPENDENT LIVING

CENTERS FOR INDEPENDENT

## APPLICATION

NO:-----

NAME:-----

ADDRESS:-----

CITY:-----

STATE:-----

ZIP:-----

SUMMARY- ENTER SCORE FOR EACH CRITERION AND ADD TO OBTAIN TOTAL SCORE:

CRITERION	RANGE SCORE	OVERALL
1. EVIDENCE OF NEED	0-5	
RECOMMENDATION		
2. PLAN OF OPERATION	0-25	If
funds are avail-		
3. SERVICE COMPREHENSIVENESS	0-15	able-1
recommenda-		
4. QUALITY OF KEY PERSONNEL	0-10	grate
award for this		
5. INVOLVEMENT OF INDIVIDUALS WITH		
application		
6. DISABILITIES	0-20	as
submitted		
6. BUDGET AND COST EFFECTIVENESS	0-10	or with
7. EVALUATION PLAN	0-5	
recommended		
8. ADEQUACY OF RESOURCES	0-10	
modification		
TOTAL		I do
Not recommend		
9. RESPONSIVENESS TO PRIORITY	0-20	funding
this		

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## RATIONALE FOR RATING:

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## CENTERS FOR INDEPENDENT LIVING PROGRAM

Criteria: 2	P	M	A	G	E
	O	A	D	O	X
	O	R	E	O	C
	R	G	Q	D	E
PLAN OF OPERATION	I	V	E		
	N	A			
	A	T			
	L	E			
1. The Director reviews each application for information that shows the quality of the plan of operation for the project.					
2. The Director looks for information that shows:					
(i) High quality in the design of the project;					
(ii) An effective plan of management that ensures proper and efficient administration of the project;					
(iii) A clear description of how the objectives of the project relate to the purpose of the program;					
(iv) The way the applicant plans to use its resources and personnel to achieve each objective;					
(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as:					
(A) Members of racial or ethnic minority groups;					
(B) Women;					
(C) Persons with disabilities; and					
(D) The elderly;					
Subtotal (Range 0-25)					



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-----CENTERS FOR INDEPENDENT-LIVING PROGRAM

Criterion: 9	P	M	A	G	E
	O	A	D	O	X
	O	R	E	O	C
RESPONSIVENESS TO PRIORITY TO SERVE UNDERSERVED AND/OR	R	G	Q	D	E
UNDERSERVED GEOGRAPHIC AREAS	I	V	L		
	N	A	E		
	A	T	E		
	L	E	N		
1. The Application contains evidence that the project is not needed to serve geographic areas which currently are served or are underserved by Centers for Independent Living.					
2. Among the factors that may be considered are the following:					
a. The application contains letters from consumers, providers of services or pertinent agencies and organizations demonstrating the need for independent living services in the geographic area(s) proposed to be served by the applicant.					
b. The application contains reports of assessments of needs in such forms as surveys of consumer opinions, inventories of providers of services, reports of meetings with consumers or providers or other formal assessments which display a discrepancy between the needs of consumers and the availability of independent living services.					
c. The application specifies the geographic area(s) currently unserved or underserved.					
d. The application specifies the groups of consumers for whom independent living services are unavailable.					
-----Subtotal (Range 6-20)					

RATIONALE FOR RATING:

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RATIONALE FOR RATING:



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CENTERS FOR INDEPENDENT LIVING PROGRAM

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RATIONALE FOR RATING:

Criterion: 7	P	M	A	G	E
	O	A	B	O	X
	O	R	E	O	C
	R	G	O	D	E
EVALUATION PLAN	I	U			E
	N	A			L
	A	T			E
	L	E			N
					T
1. The Director reviews each application for information that shows the quality of the evaluation plan for the project.					
2. The Director looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.					
Subtotal (Range 0-5)					



RATIONALE FOR RATING:

-----CENTERS FOR INDEPENDENT LIVING PROGRAM

Criterion 6	P	M	A	G	E
	O	A	B	O	X
	O	R	E	O	C
	R	G	Q	B	E
BUDGET AND COST EFFECTIVENESS	I	B			L
	N	A			L
	A	T			E
	L	E			N
					T
1. The Director reviews each application for information that shows that the project has an adequate budget and is cost effective.					
2. The Director looks for information that shows:					
(i) The budget for the project is adequate to support the project activities, and					
(ii) Costs are reasonable in relation to the objectives of the project.					
Subtotal (Range 0-10)					

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## RATIONALE FOR RATING:

## CENTERS FOR INDEPENDENT LIVING PROGRAM

Criterion: 5	P	M	A	G	E
	O	A	D	G	X
	O	R	E	O	C
	R	G	Q	B	E
	I	U			L
INVOLVEMENT OF INDIVIDUALS WITH		N	A		L
DISABILITIES		A	T		E
		L	E		N
					T
1. The Director reviews each application for information					
that shows that individuals with disabilities are					
appropriately involved in conducting Center					
activities					
2. The Director looks for information that shows that					
individuals with disabilities and their parents,					
guardians or other representatives, as appropriate,					
will be substantially involved in planning, policy,					
direction and management of the Center and will be					
employed by the Center					
3. The Director reviews each application for an assur-					
ance that the Center for Independent Living has a					
governing board with a majority of persons with					
disabilities					
Subtotal (Range 0-20)					

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED REPEALER

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RATIONALE FOR RATING:

CENTERS FOR INDEPENDENT LIVING PROGRAM

Criterion: 4	P	M	A	G	E
	O	A	D	O	X
	O	R	E	O	C
	R	G	Q	D	E
QUALITY OF KEY PERSONNEL	I	U			L
	N	A			E
	A	T			E
	L	E			N
					T
1. The Director reviews each application for information that shows the qualification of the key personnel the applicant plans to use on the project.					
2. The Director looks for information that shows:					
(i) The qualifications of the project director.					
(ii) The qualifications of each of the other key personnel to be used in the project.					
(iii) The time that each person referred to in paragraph (2)(i) and (ii) of this Section will commit to the project; and					
(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as:					
(A) Member of racial or ethnic minority groups;					
(B) Women;					
(C) Persons with disabilities; and					
(D) The elderly.					
3. To determine personnel qualifications, the Director considers experience and training in fields related to the objectives of the projects, as well as other information that the applicant provides.					
Subtotal (Page 9 of 10)					



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## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## RATIONALE FOR RATING:

## CENTERS FOR INDEPENDENT LIVING PROGRAM

Criterion 3	P	M	A	G	E
	O	A	B	O	X
	O	R	E	O	C
	R	G	Q	B	E
SERVICE COMPREHENSIVENESS	I	U			L
	N	A			L
	A	T			E
	L	E			N
					T
1. The Director reviews each application for information that shows the comprehensiveness of the services to be available in each center.					
2. The Director looks for information that shows:					
(i) Evidence that the center will utilize all presently available services.					
(ii) Evidence that effort will be made to provide as many as possible of the services identified in the definition of "center for independent living" in Title 89, Chapter IV, Subchapter H, Part 885, Section 885.100(b) (2) (c) and (D).					
(iii) Evidence that the project will serve individuals with a broad range of disabilities including disabled persons who may have limited knowledge about the project such as persons who are mentally retarded or sensory impaired.					
Subtotal (Range 0-15)					

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Section 885. APPENDIX B Compliance Review Report Rating Sheet (IL 488-1998)

SCORING SHEET

- Standard 1
- Standard 2
- Standard 3
- Standard 4
- Standard 5
- Standard 6
- Standard 7
- Standard 8
- Standard 9
- Standard 10
- Standard 11
- Standard 12

TOTAL

PRIMARY COMPLIANCE REVIEW (12 Standards)  
Full Compliance = a score of 50 and more  
Partial Compliance = A score of 40 to 49  
NonCompliance = A score of 30 to 39  
Termination of Funds = a score of less than 30

SECONDARY COMPLIANCE REVIEW (6 Standards)  
Full Compliance = a score of 25 and more  
Partial Compliance = a score of 20 to 24  
NonCompliance = a score of 15 to 19  
Termination of Funds = a score of less than 15

TERTIARY COMPLIANCE REVIEW (3 Standards)  
Full Compliance = a score of 10 and more  
Partial Compliance = a score of 5 to 9

CILs must receive a minimum of 5 total points to avoid contract termination.

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED REPEALER

Section 885. APPENDIX B Compliance Review Report Rating Sheet (IL 488-1998)

for

Name of Center

Completed on:

By

Name of Reviewer

Name of Reviewer

Name of Reviewer

Name of Reviewer

By Authority of:

Illinois State Law P.A. 85-200, Section 12a of "an Act in relation to the rehabilitation of disabled persons," Ill. Rev. Stat. 1989, ch. 23, par. 3443a.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## Standard 1

The center shall promote and practice independent living philosophy in its programming.  
Does this center demonstrate adherence to the independent living philosophy of:

## Items to be Reviewed

## Articles

By-Laws

Mission Statement

Brochure

Program Descriptions

Annual Report

Newsletters

(Interviews)

\_\_\_ Consumer control

\_\_\_ Cross disability

\_\_\_ Community-based services

\_\_\_ Equal access to society, services and facilities

\_\_\_ Self-help

\_\_\_ Center's offices are free of architectural and communication barriers based upon the Illinois Environmental Barriers Act Standards

## Comments:

## Score:

\_\_\_ 5 = demonstrates commitment in all areas; has all documents and all documents indicate philosophy.  
\_\_\_ 4 = demonstrates commitment in 3 or more areas; has all documents and all documents indicate philosophy.  
\_\_\_ 3 = demonstrates commitment in 3 or more areas; has 3 or more documents and those documents indicate philosophy.  
\_\_\_ 2 = demonstrates commitment in 2 or fewer areas; has 2 or fewer documents and documents indicate philosophy.  
\_\_\_ 1 = demonstrates no commitment; has 2 or fewer documents and documents do not indicate philosophy.  
\_\_\_ 0 = has no commitment, no documents and no evidence of philosophy.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## Standard 2

The center shall have a clearly defined target population that includes a range of disabilities.  
Does this center have a clearly defined cross-disability target population:

## Items to be Reviewed

## Brochure

Program Descriptions

Service Policies

Service Procedures

Statistical Reports

Annual Report

(Interviews)

\_\_\_ Neurological Disabilities

\_\_\_ Orthopedic Disabilities

\_\_\_ Hearing Disabilities

\_\_\_ Visual Disabilities

\_\_\_ Mental Retardation Disabilities

\_\_\_ Mental Illness Disabilities

\_\_\_ Other Disabilities

## Comments:

## Score:

\_\_\_ 5 = proof of service to all disability groups; serves 6 or more out of 7 disability groups; promotional literature stresses cross-disability; presence of one particular disability not required for service.  
\_\_\_ 4 = serves 5 out of 7 disability groups; promotional literature stresses cross-disability; presence of one particular disability not required for service.  
\_\_\_ 3 = serves 3 or 4 out of 7 disability groups; promotional literature stresses cross-disability; presence of one particular disability not required for service.  
\_\_\_ 2 = serves less than 3 out of 7 disability groups; promotional literature stresses cross-disability; presence of one disability not required for service.  
\_\_\_ 1 = serves less than 3 out of 7 disability groups; promotional literature does not stress cross-disability; presence of one disability not required for services.  
\_\_\_ 0 = serves only one disability group; promotional literature does not stress cross-

## DEPARTMENT OF REHABILITATION SERVICES

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disability.

## DEPARTMENT OF REHABILITATION SERVICES

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## Standard 3

The center shall increase individual consumer achievement of independent living goals....  
Does this center document consumer achievement of independent living goals in the following areas:

## Items to be Reviewed

Brochure  
Program Descriptions  
Service Policies  
Service Procedures  
Statistical Reports  
Annual Report  
Consumer Files  
Grant Proposals or  
Funding Contracts  
(Interviews)

Advocacy (consumer)  
Independent living skills training  
Peer counseling  
Other services which assist consumers  
to live independently in the service area but  
which do not compromise independent living  
philosophy (please list below)

## Comments:

## Score:

5 = documents achievement of consumer goals  
in all service areas listed above.  
4 = documents achievement of consumer  
goals in the core service areas listed above.  
3 = documents achievement of consumer goals  
in two of the core services and at least  
one other service developed by the center.  
2 = documents achievement of consumer goals  
in one of the core service areas and at least  
one other service developed by the center.  
1 = documents achievement of consumer goals  
in one core service area.  
0 = center does not document achievement  
of consumer goals in any service area.



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0 = center cannot demonstrate any activity to increase community options for independent living.

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The center shall increase the availability and improve the quality of community options for independent living.  
Does this center advocate for increased options for independent living?

- \_\_\_ List of priorities to be addressed
- \_\_\_ List of activities conducted
- \_\_\_ List of achievements or successes
- \_\_\_ Other items which demonstrate the center's efforts at improving community options (please list):

Standard 4  
Items to be Reviewed  
Brochure  
Program Descriptions  
Service Policies  
Service Procedures  
Statistical Reports  
Annual Report  
Grant Proposals or  
Funding Contracts  
Plans to address  
barrier removal  
(Interviews)

Comments:

- Score:
- \_\_\_ 5 = center has a plan for increasing community options; demonstrates adherence to the plan; reacts to community option issues outside the plan as it can.
  - \_\_\_ 4 = center has a plan for increasing community options; demonstrates partial adherence to the plan; reacts to community option issues outside the plan as it can.
  - \_\_\_ 3 = center has a plan for increasing community options; demonstrates minimal adherence to the plan; reacts to community issues outside the plan as it can.
  - \_\_\_ 2 = center does not have a plan; reacts to community option issues as they arise.
  - \_\_\_ 1 = center does not have a plan; reacts minimally to community option issues as they arise.

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Standard 6 The center shall provide information and referral to all inquirers including those from outside the center's target population.  
Does this center provide I&R services?

Standard 5 The center shall provide services to disabled individuals within the center's target population and/or their families.  
Does this center provide core services?

Items to be Reviewed

Items to be Reviewed

Brochure  
I&R System  
I&R Policies  
I&R Procedures  
I&R Reports  
Annual Report  
(Interviews)

Advocacy (consumer)  
Independent living skills training  
Peer counseling  
Other services which assist consumers to live independently in the service area but which do not compromise independent living philosophy

Program Descriptions  
Service Policies  
Service Procedures  
Statistical Reports  
Annual Report  
Consumer Files  
Grant Proposals or Funding Contracts  
(Interviews)

Comments:

Comments:

Score:

5 = center has policies, procedures, reporting system and appears to fulfill every request promptly and accurately.  
4 = center has policies, procedures, reporting system and appears to fulfill every request accurately.  
3 = center has policies and a reporting system and appears to fulfill every request.  
2 = center has a reporting system and appears to fulfill every request.  
1 = center appears to fulfill every request.  
0 = center does not provide I&R nor fill every request.

Score:

5 = provides all core services according to grant or contract; provides other services to meet community needs.  
4 = provides two core services according to grant or contract; provides other services to meet community needs.  
3 = provides two core services according to grant or contract.  
2 = provides one core service according to contract; provides other services to meet community needs.  
1 = provides one core service according to grant or contract.  
0 = provides one core service but does not meet terms of grant or contract.

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Standard 7 The center shall conduct activities to increase community capacity to meet the needs of individuals with disabilities.  
 Items to be Reviewed Does this center conduct activities to increase community capacity?

Brochure  
 Program Descriptions  
 Policies  
 Procedures  
 Plans  
 Annual Report (Interviews)  
 Comments:

Advocacy (systems)  
 Technical assistance  
 Public information  
 Outreach  
 Initiatives to establish an active role in the community

Score:

5 = center can demonstrate activity in all five areas above.  
 4 = center can demonstrate activity in advocacy and three other areas above.  
 3 = center can demonstrate activity in advocacy and two other areas above.  
 2 = center can demonstrate activity in advocacy and one other area above.  
 1 = center can demonstrate activity in one area above.  
 0 = center cannot demonstrate any activity in areas listed above.

## DEPARTMENT OF REHABILITATION SERVICES

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Standard 8 Qualified disabled individuals shall be substantially involved in the policy direction, decision-making, service delivery, and management of the center.  
 Items to be Reviewed Does this center demonstrate substantial consumer involvement in its operation?

Articles  
 By-Laws  
 Mission Statement  
 Philosophy  
 Personnel Policies  
 Affirmative Action/  
 Equal Employment  
 Opportunity Plans  
 Other Policies  
 Board Roster  
 Staff Roster  
 Volunteer Policies (Interviews)  
 Comments:

Majority of board members have disabilities  
 Majority of full-time management staff have disabilities  
 Majority of full-time service and support staff have disabilities  
 Majority of volunteers have disabilities  
 Center uses affirmative action procedures in recruitment and hiring practices

Score:

5 = center has majority of persons with disabilities on board, in management, on staff and in volunteer corps; demonstrates affirmative action procedures.  
 4 = center has majority of persons with disabilities on board, in management and on staff; demonstrates affirmative action procedures.  
 3 = center has majority of persons with disabilities on board and on staff or in volunteer corps; demonstrates affirmative action procedures.  
 2 = center has majority of persons with disabilities on board; demonstrates affirmative action procedures.  
 1 = center has majority of persons with disabilities on board.  
 0 = center does not have substantial consumer involvement.

NOTE: MUST RECEIVE SCORE OF 1 OR HIGHER TO COMPLY WITH STANDARDS.

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Standard 9 The center shall establish clear priorities through long-range and annual program and financial planning.  
Does this center have clear priorities, a long-range plan, an annual plan and financial plan?

Standard 10 Items to be Reviewed

The center shall use sound organizational and personnel management practices.  
Does this center practice sound organizational and personnel management principles?

- Long-Range Plan
- Annual Plan
- Grant Proposals or Funding Contracts
- Financial Plan
- Fundraising Plan
- Board Meeting Minutes
- Annual Report
- Audit
- (Interviews)

Articles

- By-Laws
- 501 (c)(3) letter
- Incorporation Papers
- Registration Papers
- Audit
- IRS Form 990
- Payroll Records
- Board Meeting Minutes
- Committee Meeting
- Minutes
- All Policies and Procedures

Comments:

Score:

- 5 = center has set priorities, long-range plans, an annual plan and a plan for financial security.
- 4 = center has set priorities and has an annual plan and a plan for financial security.
- 3 = center has set priorities and has an annual plan.
- 2 = center has an annual plan with no set priorities.
- 1 = center has set priorities.
- 0 = center has not engaged in a planning process and cannot demonstrate that it has set priorities.

Score:

5 = center has all documentation listed above and can place a check next to each issue listed on the right.  
4 = center has most of the



## DEPARTMENT OF REHABILITATION SERVICES

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documentation listed above and has all documents listed in issues numbered 1, 2 and 3.

\_\_\_ 3 = center has most of the documentation listed above and has all documents listed in issues numbered 1 and 2.

\_\_\_ 2 = center has most of the documentation listed above and has all documents listed in issue number 1.

\_\_\_ 1 = center has some of the documentation listed above and most of the documents listed in issue number 1.

\_\_\_ 0 = center has inadequate documentation and no proof of sound organizational and personal management.

## DEPARTMENT OF REHABILITATION SERVICES

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The center shall practice sound fiscal management.  
Does the center practice sound fiscal management?

Standard 11  
Items to be Reviewed

Audit  
\_\_\_ Annual budget approved by the full board  
\_\_\_ Budget reviewed/revised by board periodically  
\_\_\_ Financial statements submitted to and reviewed by board periodically  
\_\_\_ Annual audit by independent certified public accountant  
\_\_\_ Fundraising plan, policies and procedures

Annual Budget  
Financial Statements  
Financial Plan  
Fundraising Plan  
IRS 990  
Grand Proposal or  
Funding Contract  
Financial Policies  
and Procedures  
Office Policies and  
Procedures  
Fundraising Policies  
and Procedures  
Equipment Inventory  
(Interviews)

## Comments:

## Score:

\_\_\_ 5 = center has an annual budget, periodic financial statement, an annual independent audit, and a fundraising plan.  
\_\_\_ 4 = center has an annual budget, periodic financial statements and an annual independent audit.  
\_\_\_ 3 = center has an annual budget, periodic financial statements and a fundraising plan.  
\_\_\_ 2 = center has an annual budget and periodic financial statements.  
\_\_\_ 1 = center has an annual budget and some financial statements.  
\_\_\_ 0 = center does not have an annual budget or produce periodic financial statements.

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Standard 12 The center shall conduct an annual self-evaluation and maintain individual planning records.

Items to be Reviewed Does the center evaluate itself annually and maintain individual planning records for its consumers?

Board Self-Evaluation  
Annual Report  
Consumer Files  
Consumer Evaluation  
Results  
Policies and  
Procedures  
Policy on  
Confidentiality

The board evaluates itself for purposes of  
future recruitment and nominating of members  
Board and staff review the annual plan and make  
conclusions about progress towards goals and  
objectives for the year  
Consumer evaluation results are tabulated and  
reviewed by board and staff  
Consumer files contain the following:  
a request for services form  
initiation of services form  
an independent living plan  
notes of consumer contact/progress  
service outcomes  
an exit form, if appropriate  
release forms, if appropriate  
Consumers have access to their own files

Comments:

Score:

5 = board reviews its needs annually, center reviews its progress annually, consumer evaluation results are used by board and staff, and consumer files contain all appropriate information.  
4 = center reviews its progress annually, consumer evaluation results are used by board and staff, and consumer files contain all appropriate information.  
3 = center reviews its progress annually and consumer files contain all appropriate information.  
2 = consumer files contain all appropriate information.  
1 = consumer files contain some appropriate

## DEPARTMENT OF REHABILITATION SERVICES

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information, but not all.  
0 = the center is not evaluating itself annually and consumer files do not contain adequate information.

## DEPARTMENT OF REHABILITATION SERVICES

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## CIL Management Review- Document check List

Articles \_\_\_\_\_  
By-Laws \_\_\_\_\_  
Mission Statement \_\_\_\_\_  
Statement and definition of \_\_\_\_\_  
Philosophy \_\_\_\_\_  
Brochure \_\_\_\_\_  
Program Descriptions \_\_\_\_\_  
Annual Report \_\_\_\_\_  
Newsletter \_\_\_\_\_  
Service Policies \_\_\_\_\_  
Services Procedures \_\_\_\_\_  
Statistical Reports \_\_\_\_\_  
Grant Funding/Contracts \_\_\_\_\_  
Plans to address barrier removal \_\_\_\_\_  
I&R System \_\_\_\_\_  
I&R Policies \_\_\_\_\_  
I&R Procedures \_\_\_\_\_  
I&R Reports \_\_\_\_\_  
Community Development Policies \_\_\_\_\_  
Community Development Procedures \_\_\_\_\_  
Community Development Plans \_\_\_\_\_  
AA/EOE Plans \_\_\_\_\_  
Board roster w/dis. designated \_\_\_\_\_  
Staff roster w/dis. designated \_\_\_\_\_  
Volunteer roster w/dis. designated \_\_\_\_\_  
Volunteer Policies \_\_\_\_\_  
Volunteer Procedures \_\_\_\_\_  
Long-Range Plan \_\_\_\_\_  
Annual Plan \_\_\_\_\_  
Financial Plan \_\_\_\_\_  
Fundraising Plan \_\_\_\_\_  
Board meeting minutes \_\_\_\_\_  
Audit \_\_\_\_\_  
501 (c)(3) letter \_\_\_\_\_  
Incorporation papers \_\_\_\_\_  
Registration papers \_\_\_\_\_  
IRS Form 990 \_\_\_\_\_  
Payroll records \_\_\_\_\_  
Committee Meeting Minutes \_\_\_\_\_  
Personnel files (# checked:\_\_); also checked forms required by CIL) \_\_\_\_\_  
W-4s for employees \_\_\_\_\_  
Employee Eligibility Verification (Immigration & Naturalization Service) \_\_\_\_\_  
Performance reviews of staff \_\_\_\_\_  
Performance review of executive director \_\_\_\_\_  
Staff time sheets \_\_\_\_\_  
Job descriptions \_\_\_\_\_

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Appeals procedures for consumers \_\_\_\_\_  
Appeals procedures for staff \_\_\_\_\_  
Staff and board training plan \_\_\_\_\_  
Insurance policies \_\_\_\_\_  
Annual budget \_\_\_\_\_  
Financial statements \_\_\_\_\_  
Financial policies and procedures \_\_\_\_\_  
Office policies and procedures \_\_\_\_\_  
Fundraising policies and procedures \_\_\_\_\_  
Equipment inventory \_\_\_\_\_  
Board Self-Evaluation \_\_\_\_\_  
Consumer Evaluation results \_\_\_\_\_  
Policy on confidentiality \_\_\_\_\_  
Consumer files: \_\_\_\_\_  
(# checked: \_\_) \_\_\_\_\_  
\_\_\_\_\_ a request for services form  
\_\_\_\_\_ initiation of services form  
\_\_\_\_\_ an independent living plan  
\_\_\_\_\_ notes of consumer contact/progress  
\_\_\_\_\_ service outcomes  
\_\_\_\_\_ an exit form, if appropriate  
\_\_\_\_\_ release forms, if appropriate

## Other documents to be reviewed

## Forms required per Center's own Personnel Policies:

## Forms required per grant funding or contract:

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Center access requirements:

— Architectural/physical  
— TTY/TDD  
— Interpreter services  
— Braille  
— Large print  
— Taped materials

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED REPEALER  
CIL Compliance Review Interview Questions for Board Members

Interview Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Title, if appropriate: \_\_\_\_\_

1. How do you ensure that the center uses and promotes the independent living philosophy in its operations and programming? (Standard #1)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. How do you increase the availability and improve the quality of community options for independent living for people with disabilities? (What kinds of systems advocacy activities does the center conduct to increase and improve services which support independent living goals of people with disabilities?) (Standard #4)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. How do you increase community capacity to meet the needs of people with disabilities? (What kinds of systems advocacy activities does the center conduct to make the community more accessible to people with disabilities?) (Standard #7)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## DEPARTMENT OF REHABILITATION SERVICES

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4. How do you maintain substantial involvement of people with disabilities in the center's policy direction, decision-making, service delivery and management? (Standard #8)

5. How does the center develop its long-range plan? What does this plan include? Is program and fiscal planning included? (Standard #9)

6. Describe the center's organizational structure. Who is responsible for day-to-day management of the center? Who is responsible for overall management and supervision of the center's activities? Who is responsible for fulfilling the personnel management function? (Standard #10)

7. Who is responsible for fiscal management? Describe basic financial management procedures. (Standard #11)

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8. How does the center evaluate itself? How often? (Standard #12)

9. Describe your job or relationship with the center. Is your job clearly defined? (Standard #10)

10. What is the mission of the center? (Standards #1, 2, 3, 4, 5, 6 & 7)

11. What are the current goals of the center? (Standard #9)

## DEPARTMENT OF REHABILITATION SERVICES

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12. How are goals and progress towards reaching them evaluated? By whom?  
(Standards #9 and 12)

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13. What are the center's primary services? (Standards #4, 5, 6 & 7)

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14. Who does the center serve? Who are the center's targeted consumer groups? (Standard #2)

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15. Are the center's services helpful to consumers? Are these services addressing consumer's problems? If so, how? If not, why? How do you know? (Standards #3, 4, 5, 6, 7 & 12)

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## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

16. Who makes policy decisions for the center? (Standard #10)

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17. Who makes management decisions? (Standard #10)

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18. How can the center's programs be improved or enhanced? (Standard #12)

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19. In what areas could staff or board be more effective? Please give examples. (Standards #10 & 12)

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20. What training do board members receive once elected to the board? (Standard #10)

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## DEPARTMENT OF REHABILITATION SERVICES

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21. What training does the board need new? (Standard #10)

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22. Do you have other comments about the center you wish to share?

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## DEPARTMENT OF REHABILITATION SERVICES

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## CIL Compliance Review Interview Questions for Administrative Staff Members

Interview Date: \_\_\_\_\_  
Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Title, if appropriate: \_\_\_\_\_

1. How do you ensure that the center uses and promotes the independent living philosophy in its operations and programming? Please give examples. (Standard #1)

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2. How do you increase the availability and improve the quality of community options for independent living for people with disabilities? (What kinds of systems advocacy activities does the center conduct to increase and improve services which support independent living goals of people with disabilities?) (Standard #4)

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3. How do you increase community capacity to meet the needs of people with disabilities? (What kinds of systems advocacy activities does the center conduct to make the community more accessible to people with disabilities?) (Standard #7)

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## DEPARTMENT OF REHABILITATION SERVICES

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4. How do you maintain substantial involvement of people with disabilities in the center's policy direction, decision-making, service delivery and management? (Standard #8)

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5. How does the center develop its long-range plan? What does this plan include? Is program and fiscal planning included? (Standard #9)

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6. Describe the center's organizational structure. Who is responsible for day-to-day management of the center? Who is responsible for overall management and supervision of the center's activities? Who is responsible for fulfilling the personnel management function? (Standard #10)

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7. Who is responsible for fiscal management? Describe basic financial management procedures. (Standard #11)

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## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

8. How does the center evaluate itself? How often? (Standard #12)

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9. Describe your job or relationship with the center. Is your job clearly defined? (Standard #10)

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10. What is the mission of the center? (Standards #1, 2, 3, 4, 5, 6 & 7)

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11. What are the current goals of the center? (Standard #9)

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## DEPARTMENT OF REHABILITATION SERVICES

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12. How are goals and progress towards reaching them evaluated? By whom? (Standards #9 and 12)

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13. What are the center's primary services? (Standards #4, 5, 6 & 7)

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14. Who does the center serve? Who are the center's targeted consumer groups? (Standard #2)

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15. Are the center's services helpful to consumers? Are these services addressing consumer's problems? If so, how? If not, why? How do you know? (Standards #3, 4, 5, 6, 7 & 12)

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## DEPARTMENT OF REHABILITATION SERVICES

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16. Who makes policy decisions for the center? (Standard #10)

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17. Who makes management decisions? (Standard #10)

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18. How can the center's programs be improved or enhanced? (Standard #12)

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19. In what areas could staff or board be more effective? Please give examples. (Standards #10 & 12)

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20. What training do staff member receive once hired? (Standard #10)

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## DEPARTMENT OF REHABILITATION SERVICES

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21. What training does the staff need now? (Standard #10)

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22. Do you have other comments about the center you wish to share?

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## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## CIL Compliance Review Interview Questions for Services Staff Members

Name: \_\_\_\_\_

Title, if appropriate: \_\_\_\_\_

Interview Date: \_\_\_\_\_

Phone: \_\_\_\_\_

1. How do you ensure that the center uses and promotes the independent living philosophy in its operations and programming? Please give examples. (Standard #1)

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2. How do you assist consumers wishing to achieve a higher degree of independence? (Standard #3)

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3. How do you increase the availability and improve the quality of community options for independent living for people with disabilities? (What kinds of systems advocacy activities does the center conduct to increase and improve services which support independent living goals of people with disabilities?) (Standard #4)

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4. How do you increase community capacity to meet the needs of people with disabilities? (What kinds of systems advocacy activities does the center conduct to make the community more accessible to people with

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

disabilities?) (Standard #7)

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5. How do you ensure that requests for information and referral are responded to accurately and promptly? (Define promptly) (Standard #6)

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6. How are consumer files maintained and what is included in such files? (Standard #12)

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7. Describe your job or relationship with the center. Is your job clearly defined? (Standard #10)

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8. What is the mission of the center? (Standards #1, 2, 3, 4, 5, 6 & 7)

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## DEPARTMENT OF REHABILITATION SERVICES

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9. What are the current goals of the center? (Standard #9)

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10. How are the goals and progress toward reaching them evaluated? By whom? (Standards #9 & 12)

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11. What are the center's primary services? (Standards #3, 4, 5, 6, & 7)

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12. Who does the center serve? Who are the center's targeted consumer groups? (Standard #2)

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## DEPARTMENT OF REHABILITATION SERVICES

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13. Are the center's services helpful to consumers? Are these services addressing consumer's problems? If so, how? If not, why? How do you know? (Standards #3, 4, 5, 6, 7, & 12)

14. Who makes policy decisions for the center? (Standard #10)

15. Who makes management decisions? (Standard #10)

16. How can the center's programs be improved or enhanced? (Standard #12)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

17. In what areas could staff or board be more effective? Please give examples. (Standards #10 & 12)

18. What training do staff members receive once hired? (Standard #10)

19. What training does the staff need now? (Standard #10)

20. Do you have other comments about the center you wish to share?



## DEPARTMENT OF REHABILITATION SERVICES

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## NOTICE OF PROPOSED REPEALER

## CIL Compliance Review Interview Questions for Consumers

6. Who is responsible for initiating contact? Why? (Standard #8)

Interview Date: \_\_\_\_\_  
Phone: \_\_\_\_\_

Name:

Title, if appropriate:

1. What services are you getting from the center now? (Standards #3, 4, 5, 6 or 7)

2. Who decided which services or assistance you would get? (Standards #1 and 8)

3. What is your level of satisfaction with these services? Please describe.  
(Standards #3 and 8)

\_\_\_\_\_ Highly Satisfied

\_\_\_\_\_ Satisfied

\_\_\_\_\_ Somewhat Satisfied

\_\_\_\_\_ Not Satisfied

Satisfied

Somewhat Satisfied

Not Satisfied

4. What is the center's image in the community? (Standards #1 & 12)

5. How often do you make contact with the center? (Standard #8) Is this:

**Too Often**

## Not Often Enough

## Just About Right

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## CIL Compliance Review Interview Questions for Volunteers

Interview Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Title, if appropriate: \_\_\_\_\_

1. What volunteer work are you doing for the center now? (Standard #10)

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2. What is your level of satisfaction with the center? Please describe.  
(Standard #10)

\_\_\_\_ Highly Satisfied  
\_\_\_\_ Satisfied  
\_\_\_\_ Somewhat Satisfied  
\_\_\_\_ Not Satisfied

3. What is the center's image in the community? (Standards #1 & 12)

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4. How often do you make contact with the center? (Standard #10) Is this:

\_\_\_\_ Too Often  
\_\_\_\_ Not Often Enough  
\_\_\_\_ Just About Right

5. Who is responsible for initiating contact? Why? (Standard #10)

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## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

6. Do you have other comments about the center you wish to share?

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## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## CIL Compliance Review Interview Questions for Agency Representatives

Name: \_\_\_\_\_

Interview Date: \_\_\_\_\_

Title, if appropriate: \_\_\_\_\_

Phone: \_\_\_\_\_

1. What is your relationship to the center now? (not applicable to any one Standard)

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2. What is your level of satisfaction with the center? Please describe.  
(Standard #12)

\_\_\_\_ Highly Satisfied  
\_\_\_\_ Satisfied  
\_\_\_\_ Somewhat Satisfied  
\_\_\_\_ Not Satisfied

3. What is the center's image in the community? (Standards #1 & 12)

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4. How often do you make contact with the center? (Standard #10) Is this:

\_\_\_\_ Too Often  
\_\_\_\_ Not Often Enough  
\_\_\_\_ Just About Right

5. Who is responsible for initiating contact? Why? (Standard #10)

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6. Do you have other comments about the center you wish to share?

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## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

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## DEPARTMENT OF REHABILITATION SERVICES

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## NOTICE OF PROPOSED REPEALER

## Section 885.APPENDIX C Other Assurances (IL 488-2035)

## OTHER ASSURANCES

## For Use With Purchase of Service Grants

The Applicant hereby assures and certifies that it will comply with Federal guidelines and requirements, including OMB Circulars

A-21, A-133 and A-88, if the applicant is a college or university

or

A-128, A-102 and A-87, if the applicant is a State or Local government

or

A-122 and A-133, if the applicant is a not-for-profit agency as they relate to the application, acceptance and use of Federal funds for this federally-assisted project. Also, the Applicant assures and certifies that:

1. It will comply with the provisions of the Hatch Act, which limit the political activity of employees.

2. (Check One):

\_\_\_\_\_ The most recent copy of its Affirmative Action Plan is on file with the EEO officer of DORS; or

\_\_\_\_\_ The most recent copy of its Affirmative Action Plan is not on file with DORS, but will be submitted before approval of the grant.

3. (Check One):

Yes

\_\_\_\_\_ A purpose of this grant relates to any interest in, improvement to, or use of, land which is in a land trust.

If "Yes", the applicant must

No \_\_\_\_\_ attach a Disclosure Statement executed by the trustee or a beneficiary of the trust.

4. It possesses legal authority to apply for the grant and a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

Date

Authorized Official(s)

FOR DORS GRANTS & CONTRACTS USE

Name of Applicant

Copy Sent to EEO/AA Officer

Street

Date

City, State, Zip Code

IL 488-2033 (04/90)

This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under (Ill. Rev. Stat. ch. 23, par. 3434). Disclosure of this information is REQUIRED. Failure to provide any information will result in this form not being processed. This form has been approved by the Forms Management Center.



DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED REPEALER

Contract/Grant No. \_\_\_\_\_

DISCLOSURE STATEMENT

1. State the name and address of every beneficiary having any interest in the land trust and the extent of such interest:

2. I, \_\_\_\_\_, state on oath or affirm that I am \_\_\_\_\_, for/of \_\_\_\_\_

I have been authorized by \_\_\_\_\_ (name/title) to execute this Disclosure Statement made above, and it is true and correct to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

STATE OF ILLINOIS )  
COUNTY OF \_\_\_\_\_ ) ss

I certify that on \_\_\_\_\_, 199\_\_\_\_, \_\_\_\_\_ personally appeared before me and swore or affirmed that \_\_\_\_\_ he \_\_\_\_\_ signed this document and that the information provided was true and correct.

Notary Public \_\_\_\_\_ My Commission Expires \_\_\_\_\_

Disclosure of the above information is required by Illinois law (Ill. Rev. Stat. ch. 148, S 72.1 (1989)).

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED REPEALER

Section 885.APPENDIX D Internal Revenue Certification (IL 488-2035)

INTERNAL REVENUE SERVICE CERTIFICATIONS

This certification is mandated by the the Internal Revenue Service. Enter your taxpayer identification number ("TIN") in the appropriate space. For individuals and sole proprietors, this is your social security number. For other entities, it is your employer identification number. Federal Employer Identification Numbers (FEINs) cannot be used for sole proprietorship.

If you do not have a TIN, apply for one immediately. To apply, get Form SS-5, Application for a Social Security Card (for individuals), from your local office of Social Security Administration, or Form SS-4, Application for Employer Identification Number (for businesses and all other entities), from your local Internal Revenue Service office.

If you do not have a TIN, complete the certification by indicating the date a TIN has been applied for and signing and dating the form, and return it to this agency. As soon as you receive your TIN, you must fill out another form with your TIN, sign and date the form, and give it to this agency.

If you furnish a false TIN to this agency, you are subject to an IRS penalty of \$50.00 for each instance, unless due to reasonable cause and not to willful neglect.

WILLFULLY FALSIFYING CERTIFICATIONS OR AFFIRMATIONS MAY SUBJECT YOU TO CRIMINAL PENALTIES INCLUDING FINES AND/OR IMPRISONMENT.

Under penalties of perjury, I certify that \_\_\_\_\_ is my correct Federal Taxpayer Identification Number.

I am doing business as a: (Please Check Only One)  
Individual \_\_\_\_\_ Real Estate Agent  
Sole Proprietorship \_\_\_\_\_ Governmental Entity  
Partnership \_\_\_\_\_ Tax Exempt Organization  
Corporation \_\_\_\_\_ (IRS 501(a) only)  
Not-for-Profit Corporation \_\_\_\_\_ Trust or Estate  
Medical and Health Care \_\_\_\_\_  
Service Provider Corporation \_\_\_\_\_

Date \_\_\_\_\_

Signature of Authorized Agent \_\_\_\_\_

Name of Authorized Agent (Type or Print) \_\_\_\_\_

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

Name of ApplicantStreetCity, State and Zip Code

IL488-2035 (02/90)

This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under (Ill. Rev. Stat. ch. 23, par. 3434). Disclosure of this information is REQUIRED. Failure to provide any information will result in this form not being processed. This form has been approved by the Forms Management Center.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## Section 885.APPENDIX E Additional Assurances - I through XVII

## ASSURANCE I

Yes CIL certifies that it is a  
[ ] non-residential program.

Yes CIL certifies that it is a  
[ ] consumer controlled organization.

Yes CIL certifies that at  
[ ] least 51% of the board members are persons  
with disabilities.

Yes CIL certifies that they  
[ ] provide the four mandated individual services  
which include: peer counseling; advocacy;  
information and referral; and independent living  
skills training.

Yes CIL certifies that it is  
[ ] a not-for-profit corporation as organized under  
Illinois General Not-For-Profit Corporation Act  
of 1986, Ill. Rev. Stat. ch. 32, par. 101.01 et  
seq.  
(1989).

CIL Responsible OfficialDATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE II

The Center shall promote and practice the following Independent Living Philosophy in its programming:

- 1.1 Consumer control of policy direction and management of the Independent Living Center;
- 1.2 Consumer control of the development of Independent Living service objectives and services;
- 1.3 Self-help and self-advocacy;
- 1.4 Equal access to society by persons with disabilities;
- 1.5 Equal access to programs and physical facilities;
- 1.6 Developments of peer relationships and peer role models;
- 1.7 Meeting the specific independent living needs of the local community; and
- 1.8 A range of services to all persons with disabilities.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE III (Services)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 2

Requiring independent living services be based on individual consumer needs and choices.

## Objective 3

Assessment methods used are individually based rather than traditionally prescribed.

## Activity 1

"Each individual will be assessed based on the need for specific information in order to develop a meaningful, individualized, independent living plan."

CIL Responsible Official

DATE

CIL Responsible Official

DATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE IV (Services)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 2

Requiring independent living services be based on individual consumer needs and choices.

## Objective 3

Assessment methods used are individually based rather than traditionally prescribed.

## Activity 3

"In-services will be conducted to service providers regarding individualizing assessments based on specific information that is needed in order to develop a person's individual independent living plan."

CIL Responsible Official

DATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE V (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 3

Identifying minority (racial) persons with disabilities and assuring independent living services are satisfactorily achieved.

## Objective A

All Centers providing independent living services have boards which have at least 51 percent persons with disabilities and minority (racial) members reflect local demographics.

## Activity 1

"Boards (Centers) will research and provide documentation of the population demographics including the percentage of each identified racial population of its service area."

This information is required to be submitted by October 1, 1990 and annually thereafter.

CIL Responsible Official

DATE



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE VI (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILIAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 3

Identifying minority (racial) persons with disabilities and assuring independent living services are satisfactorily achieved.

## Objective A

All Centers providing independent living services have boards which have at least 51 percent persons with disabilities and minority (racial) members reflect local demographics.

## Activity 2

"Each CIL (DORS) grant application will include the service area's racial percentages, a plan to address achieving a racially balanced board and a monitoring process to achieve full implementation."

- Service area racial percentages required by October 1, 1990.

- Submitted to DORS Division of Independent Living.

- Plan to achieve a racially balanced board and a monitoring process developed by each Center by December 1, 1990.

CIL Responsible Official

DATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE VII (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILIAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 3

Identifying minority (racial) persons with disabilities and assuring independent living services are satisfactorily achieved.

## Objective 3

Minority Specialties have been designated.

## Activity 2

"Each service provider will designate a staff person who is responsible for assuring that persons with disabilities who are a minority receive outreach and become users of services which are provided with appropriate cultural considerations."

This information is required with the submission of this application.

Minority Specialist  
Position Title

Minority Specialist Name

DATE

CIL Responsible Official

DATE

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

ASSURANCE VIII (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

Goal 3

Identifying minority (racial) persons with disabilities and assuring independent living services are satisfactorily achieved.

Objective 3

Minority Specialists have been designated.

Activity 2

"Each service provider will have a written plan addressing full equal access based on their own local demographics for minority persons with disabilities which include outreach, cultural diversity, provision for foreign language interpreters, implementation process, and monitoring of plan. The plan shall include their written appeals policy and procedures to address discrimination complaints."

- Assurance that the Center will comply with this requirement required in this application.
- Plan must be developed by May, 1991.
- Plan must be achieved by October 1, 1996.

CIL Responsible Official DATE

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

ASSURANCE IX (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

Goal 3

Identifying minority (racial) persons with disabilities and assuring independent living services are satisfactorily achieved.

Objective C

All providers of independent living services which receive independent living funds document that consumers served are racial/minority members reflecting local demographics.

Activity 2

"Using comparisons between local demographics and data from their own CRM, each CIL will develop a plan to address the disparity between area racial population and those using the services including a process for monitoring the progress toward full implementation of the plan"

- Assurance that the Center will comply with this requirement required in this application.
- Plan must be developed by May 1, 1991.
- Plan must be achieved by October 1, 1996.

CIL Responsible Official DATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE X (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 4

Providing leadership and management training services for CIL staff, boards, volunteers and consumers.

## Objective A

All CIL annual reviews confirm that specific training services, management services and leadership training services were conducted and attended by at least 75 percent of CIL staff and boards.

## Activity 1

"All CIL boards will conduct an annual self-evaluation to determine local board strengths and weaknesses. Based on annual evaluations, board members will identify a training and recruitment plan."

First Plan must be developed and available for review by October 1, 1991, and annually thereafter.

CIL Responsible Official

DATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE XI (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 4

Providing leadership and management training services for CIL staff, boards, volunteers and consumers.

## Objective A

All CIL annual reviews confirm that specific training services, management services and leadership training services were conducted and attended by at least 75 percent of CIL staff and boards.

## Activity 2

"Within the first quarter of each Federal Fiscal Year, boards will participate in training regarding, but not limited to, the following:

- parliamentary policy;
- policy and long-range goal setting;
- reviewing and evaluating organizational performance;
- fiscal and fundraising responsibilities; and
- board and staff relationships."

First Board training period begins October 1, 1991 through December 31, 1991.

CIL Responsible Official

DATE

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

ASSURANCE XII (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

Goal 4

Providing leadership and management training services for CIL staff, boards, volunteers and consumers.

Objective A

All CIL annual reviews confirm that specific training services, management services and leadership training services were conducted and attended by at least 75 percent of CIL staff and boards.

Activity 3

"Each CIL (Executive Director or Designee) will conduct an annual evaluation review to determine the strengths and weaknesses of staff."

First total staff Annual Evaluation Review completed by October 30, 1991.

CIL Responsible Official

DATE

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

ASSURANCE XIII (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

Goal 4

Providing leadership and management training services for CIL staff, boards, volunteers and consumers.

Objective A

All CIL annual reviews confirm that specific training services, management services and leadership training services were conducted and attended by at least 75 percent of CIL staff and boards.

Activity 4

"Based on the evaluation review, the staff will identify and design a training (in-service, etc.) and recruitment plan."

First staff training plan completed by December 30, 1991 and updated annually.

CIL Responsible Official

DATE



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE XIV (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 4

Providing leadership and management training services for CIL staff, boards, volunteers and consumers.

## Objective A

All CIL annual reviews confirm that specific training services, management services and leadership training services were conducted and attended by at least 75 percent of CIL staff and boards.

## Activity 5

"Within the first quarter of each Federal Fiscal Year, the training and recruitment plan will be complete for that year. This written plan will be kept on file in the CIL office."

First staff training plan and first quarter training activities will be completed by December 30, 1991 and annually thereafter.

CIL Responsible Official

DATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE XV (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 4

Providing leadership and management training services for CIL staff, boards, volunteers and consumers.

## Objective B

All CIL annual reviews confirm that 100 percent of all consumers and volunteers received an invitation to participate in specific training services, management services and leadership training services.

## Activity 1

"Each CIL volunteer coordinator will conduct an annual assessment to determine the strengths, weaknesses and concerns of the CIL volunteers."

First Annual Assessment required to be completed by December 30, 1991 and updated annually.

CIL Responsible Official

DATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE XVI (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 4

Providing leadership and management training services for CIL staff, boards, volunteers and consumers.

## Objective B

All CIL annual reviews confirm that 100 percent of all consumers and volunteers received an invitation to participate in specific training services, management services and leadership training services.

## Activity 2

"Based on that assessment the volunteer coordinator will work with the volunteers to:

- design a year's schedule of specific training programs and services; and
- design a year's schedule for a recruitment and new volunteer training program."

First schedule of training programs and services and first schedule for recruitment and new volunteer training program completed by December 30, 1991 and updated annually.

---

CIL Responsible Official

DATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## ASSURANCE XVII (SERVICES)

The Illinois Department of Rehabilitation Services' (IDORS) Independent Living Advisory Council's (ILAC) Five Year State Plan on Independent Living, which has been accepted and endorsed by the Director of the Department of Rehabilitation Services, requires each Center for Independent Living (CIL) receiving funding from this Department to provide certain assurances regarding activities which will be undertaken by each CIL and philosophical principles under which the CIL must operate.

## Goal 4

Providing leadership and management training services for CIL staff, boards, volunteers and consumers.

## Objective B

All CIL annual reviews confirm that 100 percent of all consumers and volunteers received an invitation to participate in specific training services, management services and leadership training services.

## Activity 3

"Within the first quarter of the Federal Fiscal Year, the comprehensive training program (new volunteer training, specific training programs and services, the schedule for assuring all volunteers and potential volunteers receive information) will be published and kept on file in each CIL."

First comprehensive training program completed by December 30, 1991 and updated annually.

---

CIL Responsible Official

DATE

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## Section 885.APPENDIX F CIL Continuation Grant Application (IL 488-1769)

APPLICATIONS FORMS  
AND  
INSTRUCTIONS  
FOR  
GRANTS  
TO CONTINUE CENTERS FOR  
INDEPENDENT LIVING

[This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under 29 USC 701-741. Disclosure of this information is REQUIRED. Failure to provide any information will result in this form not being processed. This form has been approved by the Forms Management Center]. 25+5

IL: 488-1769 (3/87)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

## CONTINUATION APPLICATION

Funding for Each Center for Independent Living applying for continuation will be based upon the following:

- (1) total state and federal dollars available to the Department of Rehabilitation Services; and

- (2) by the rating the CIL received on the Compliance Review report.

It is important that all directions in this application be followed to avoid having to write separate applications for each funding source. Separate contracts will be established for Title VII-Part A and GRF Match and General Revenue.

The completed application must include the following material in the exact order in which it is listed:

- Cover Page
- Table of Contents
- Section I
- Section II

Program Narratives (applicable to all funds)

- Goals, Objectives, and Activities for the period 10/1/90 to 9/30/91. This Section must include a goal, objective(s) and activities on each area listed below:

- Community Impact (Systems Advocacy);
- Long Range Planning;
- Services (Individual) Core Services must be included;
- Development and Fundraising Activities; and
- Financial and Compliance Audit Recommendations.

- Section III - Budget Summary (separate budgets required for: GRF and Title VII Part A/Match GRF);
- Section IV - Appendix which includes:

1. Other Assurances (17)
2. 501(c)(3) - either a copy of the certificate, a copy of the letter from the Internal Revenue Service (Federal) exempting the CIL from taxation under the income tax provisions of the Internal Revenue Service Code or a copy of the application for this status.
3. Staff Justification - identify each staff position by title (current and projected) and justify the need for the position. New staff positions must show anticipated start date.
4. Job descriptions for each current and projected employee. (If six staff positions are budgeted, there should be six job descriptions).
5. Organizational Chart
6. Attach a page to the budget which identifies each staff position title, the person's name filling that position, the exact dollar amount from each

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

funding source which accounts for the total salary and the total percent of time each employee will commit to the grant. A form is provided for this information. The total of individual salaries must equal the total requested for personnel for all funds.

Explanation of Section Material

1. Cover Page - Self-explanatory
2. Table of Contents - by Section number and page number.  
Example: Section I - Program Narrative 1-3  
Section II - Goals & Activities 4-14 etc.
3. Section I - Program Narrative - This narrative must not exceed five double spaced typewritten pages. Briefly describe the program, plan of operation, who is served, expected outcomes and benefits to consumers served, geographic scope of project and community impact.  
Be concise.
4. Section II - Goals, Objectives and Activities - you must include a goal with objectives and activities for each of the following areas:
  - Community impact (Systems Advocacy);
  - Long Range Planning;
  - Services (Individual) - must include the four mandated and all others provided by your Center;
  - Development and Fundraising Activities - must include a projected total dollar amount to be raised; and
  - Financial and Compliance Audit Recommendations.
- Goals, Objectives and Activities must be written in measurable terms. This section represents the Center's plan for the next 12 month period. The following format must be used:

Example

Goal:

XXX.

Objective:

XXX.

Activities:

XXX.

Status Report

XXX.

Under each activity leave a space for the status report on that activity. This will reduce your time in preparing your annual goals and objectives report.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

Section III

Budget

The number of budgets developed is dependent on the sources of funding. Those Centers receiving Title VII-Part A alone or General Revenue Match and Title VII-Part A in combination and straight General Revenue will need to complete two budgets. Those receiving only General Revenue will complete only one budget. Be sure to show (in the total column only) the amounts budgeted for each individual CUSAS code. Refer to the Manual entitled, "Contract Management Manual," revised edition January 1989, if there are questions.

The only detail sheet still in use is the Equipment Detail Sheet. It has been revised to correspond to the separate budgets. In purchasing equipment, do not split the funding for any item of equipment in two or more budgets. For example, if the CIL is buying a computer for \$5,000 - account for its total cost in only one budget.

On the Equipment Detail Sheet list the item number, quantity, item description, unit cost, code (either 1510, 1515 or 1599) and funding sources. If equipment is budgeted with GRF or Title VII B, attach the Equipment Detail Sheet to this budget. The same is true for Title VII A. Add the dollar amount for equipment budgeted under GRF per code and transfer total to corresponding code on the budget summary sheet. Do the same for Title VII-A and GRF match.

In the "contractual" and "other" line items, there are no codes listed. Type in the description, the code and the total amount budgeted per code. The following examples will explain:

Budget Summary			
Title VII A & GRF Match			
	A	Match	Total
Contractual	1200	\$4800	\$400
Item	Code		
Rent	1233		\$2,000.00
Postage	1261		\$1,500.00
Advertising	1273		\$1,000.00
Audit/Bookkeeping	1242		\$ 100.00
Legal Fees	1244		\$ 500.00
Other	1700	\$1600	\$3,100.00
Telephone	1721		\$1,000.00
Interpreters	1780		\$ 600.00
Printing	1751		\$1,000.00
Insurance	1761		\$ 500.00

Budget Summary  
Title VII B & General Revenue



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

	B	GRF	Total
Contractual	1200	\$0	\$10,800
Rent	1233		\$ 8,000
Postage	1261		\$ 1,500
Audit Bookkeeping	1242		\$ 900
Legal Fees	1244		\$ 400
Other	1700	\$0	\$1,900
Telephone	1721		\$1,000
Printing	1751		\$ 400
Insurance	1761		\$ 500

List all contractual sub items (sub items code 1200) under the contractual line item. List all other sub items (sub items coded 1700) under the other line item.

In accordance with OMB-Circular A-110, those Centers receiving federal funds are required to have a financial and compliance audit at the end of the contract period. CILs receiving only state dollars (GRF) are required only to have a financial audit. Please budget funds for the audit applicable to you. At the bottom of the Budget Summary Sheet add up the totals per funding source and list under total direct cost and again under totals. Be sure and check figures for accuracy.

## Budget Requirement

Specific budget justification is required for each coded subitem or CUSAS code. This requirement is applicable to all line items which include staff, fringe benefits, equipment, travel, commodities, contractual and other. The justification pages should follow the budget and must show specifically how you arrived at the amount budgeted and why this subitem is needed.

## Example

Travel  
(1291) - in state program - seven staff x 100 miles p/mo x .24 cents p/mile x 12 months = \$2,016. Staff require travel funds to deliver program to consumers.

Contractual  
(1245) - Professional and Consultative - board trainer estimated 15 hrs x \$25 p/hr = \$375. A board training consultant is necessary to deliver training to our board of directors to strengthen our organization.

Other  
(1780) - Interpreters - \$16 p/hr x 20 hrs p/mo x 12 months = \$3,840. Interpreters are required to deliver our deaf services program to consumers who are deaf.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

Be advised that this is a continuing budget requirement which must be included as back-up to your budget.

(1) Rounding - To simplify processing please round to the nearest whole dollar.

(2) Duplication - Make four (4) copies of the continuation application. The original must be sent to the DORS' Division of Independent living.

(3) Distribution  
Original

- Department of Rehabilitation Services  
Division of Independent Living  
623 East Adams Street  
P.O. Box 19429  
Springfield, Illinois 62794-9429

Copies to  
- DORS/CIL Liaison  
- DORS Regional Administrator  
- retained by CIL

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

Contractual 1200

Contractor Line item/Sub item/Code	FEIN #	GRF	B	TOTAL
Personnel #	1120			
Fringe				
FICA	1170			
Health Insurance	1180			
Unemployment Compensation	1185			
Workman's Compensation	1190			
Equipment	1500			
(Attach budget page)	1510			
	1515			
	1599			

Other 1700

Total Direct Costs:

Indirect Costs:

Total Costs:

Travel	
In-State Program	1291
Consumer	1292
Out of State Program	1293
In-State Non-employee	1294
Out of State Non-employee	1295
Commodities	
Office/Program Supplies	1304

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

CENTER FOR INDEPENDENT LIVING  
Application Budget Summary

Contractor	FEIN #	A	Federal 90/10 MATCH	TOTAL
Line item/Sub item/Code				
Personnel # 1120				
Fringe				
FICA	1170			
Health Insurance	1180			
Unemployment Compensation	1185			
Workman's Compensation	1190			
Equipment	1500			
(Attach budget page)	1510			
	1515			
	1599			
Travel				
In-State Program	1291			
Consumer	1292			
Out of State Program	1293			
In-State Non-employee	1294			
Out of State Non-employee	1295			
Commodities				

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED REPEALER

Office/Program Supplies  
1304

Contractual	1200			
Other	1700			
Total Direct Costs:				
Indirect Costs:				
Total Costs:				





DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED REPEALER

**REGIONAL ADMINISTRATORS**  
**Mr. Michael Young**  
Department of Rehabilitation Services  
202 East Main Street  
Marion, Illinois 62959

Mr. Dean Hale  
Department of Rehabilitation Services  
2416 West Springfield Avenue  
Champaign, Illinois 61820

Mr. Jim Scolari  
Department of Rehabilitation Services  
R.R. #2, 308 North 30th Road  
LaSalle, Illinois 61301

Ms. Eleanor Murdock  
Department of Rehabilitation Services  
9730 South Western Avenue, Suite 804  
Evergreen Park, Illinois 60642

Ms. Betty Butler  
Department of Rehabilitation Services  
100 West Randolph, Suite 8-100  
Chicago, Illinois 60601

REGION 1

REGION 2

REGION 3

REGION 4

REGION 5

ILLINOIS REGISTER  
5036  
96

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED REPEALER  
-----STATE OF ILLINOIS  
-----DEPARTMENT OF REHABILITATION-SERVICES  
-----EQUIPMENT DETAIL SHEET FOR TITLE-VII-B  
-----

[illegible]

1. Duplicate additional copies of this form as needed. -- Transfer Grand Total to Application Cover Sheet and Budget Summary.
2. In describing equipment, give sufficient description for bidding purposes. (A BRAND NAME AND MODEL NUMBER MUST BE USED WHEN DESCRIBING EQUIPMENT. This does not limit bidding to that model and/or brand.)
3. Item descriptions as written above must be used when completing the invitation to bid for DGS-Grant form. Quotes must use this form to solicit bids.
4. See pages 16, 17 and 18 for further information.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED RULEMAKING

1) Heading of the Part: General Rules for All Taxes

2) Code Citation: 86 Ill. Adm. Code 800

3) Section Numbers:  
800.1000 Proposed Action:  
New Section  
800.4000 New Section

4) Statutory Authority: 20 ILCS 2505/39b19

5) A Complete Description of the Subjects and Issues Involved: This rulemaking creates a new Part "General Rules for All Taxes." There are a number of issues with respect to tax administration that are not limited to any particular tax. Some of these issues do not fall within the scope of Title 2 of the Illinois Administrative Code and must be adopted in conformance with the normal rulemaking procedures of the Illinois Administrative Procedure Act. This Part is being created to contain those rules.

The first rulemaking of this type relates to recent legislation that authorizes the Illinois Department of Revenue to adopt rules to authorize the filing of returns or other documents with the Department by facsimile. This rulemaking sets forth the circumstances under which the Department will request that taxpayers file returns or other documents by facsimile. The rule also requires that the original of any return or other document filed by facsimile must be retained by the taxpayer and is subject to the Department's right of audit.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it affect any existing state mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Keith Staats  
Associate Chief Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED RULEMAKING

101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business requested by the Department to file a return or other document by facsimile.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Public Act 88-480 amended the Civil Administrative Code to authorize the Department to adopt rules to allow for the filing of returns or other documents with the Department by facsimile consistent with rules adopted by the Department. This rulemaking implements that statutory provision.

The full text of the Proposed Rulemaking begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED RULEMAKING

TITLE 86: REVENUE  
 CHAPTER 1: DEPARTMENT OF REVENUE  
 PART 800  
 GENERAL RULES FOR ALL TAXES

## Section

800.1000 Introduction

800.4000 Filing Returns and Other Documents by Facsimile

AUTHORITY: Implementing Section 39c-1b of the Civil Administrative Code of Illinois [20 ILCS 2505/39c-1b] and authorized by Section 39b19 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b19]

SOURCE: Adopted at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

## Section 800.1000 Introduction

There are a number of issues with respect to tax administration that are not related to any particular tax. Many of those provisions are contained in 2 Ill. Adm. Code 1200. However, there are a number of issues that apply generally to all taxes administered by the Illinois Department of Revenue (the "Department") that do not fall within the scope of Title 2 of the Illinois Administrative Code and, as a result, must be adopted in conformance with the normal rulemaking requirements of the Illinois Administrative Procedure Act (the "IAPA") [5 ILCS 100]. This Part codifies the rules of the Department that are not tax-specific.

## Section 800.4000 Filing Returns and Other Documents by Facsimile

- a) Consistent with rules adopted by the Department of Revenue, a person may transmit by facsimile any return or document required to be filed with the Department under any Act administered by the Department. A signature on a return or other document filed in accordance with regulations promulgated by the Department and transmitted by facsimile is *prima facie* evidence for all purposes that the document was actually signed by the person whose signature appears on the facsimile. [20 ILCS 2505/39c-1b]
- b) On certain rare occasions, circumstances will arise that will make it very difficult or impossible for the Department to receive returns or other documents from taxpayers within the normal time frames required by delivery through the postal service or other private mail service. On some of these occasions, taxpayers will also be unable to personally deliver the return or document to the Department. Therefore, upon request of the Department, taxpayers may submit a facsimile of any tax return or other document, by telefax or any other method of facsimile transmission authorized by the Department. In such cases, the original return or other tax document must be

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED RULEMAKING

maintained by the taxpayer subject to the Department's right of audit. Such requests do not relieve taxpayers from requirements to file in the usual manner (paper, electronic, telefile, etc.) for other periods. There is, however, no limit on the number of times such permission can be granted.

- c) Taxpayers may only file returns or other documents by facsimile upon the request of the Department. The Department will not accept requests for permission to file returns or other documents by facsimile from any taxpayer or taxpayer representative. Any return or other document transmitted to the Department by facsimile for a reason other than upon Department request will not be accepted, and in the case of returns will be deemed to be non-filed and will subject the taxpayer to the penalty for non-filing set forth in Section 3-3 of the Uniform Penalty and Interest Act [35 ILCS 735/3-3].

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Payment of Taxes by Electronic Funds Transfer

2) Code Citation: 86 Ill. Adm. Code 750

3) Section Numbers: Proposed Action:  
750.300 Amendment  
750.400 Amendment

4) Statutory Authority: Retailers' Occupation Tax Act [35 ILCS 120]

5) A. Complete Description of the Subjects and Issues Involved: Section 3 of the Retailers' Occupation Tax Act (the "ROT") provides that a taxpayer who has an average monthly tax liability over the statutory threshold (and average monthly tax liability of \$50,000 or more, effective October 1, 1995) shall make all payments required by rules of the Department by electronic funds transfer. The Department currently requires RR-3 sales tax accelerated payments and ST-1 return payments of those taxpayers over the statutory thresholds to be made by electronic funds transfer. PST-1 and PST-3 return payments for those taxpayers over the statutory threshold are also now required to be made by electronic funds transfer. This rulemaking amends Section 750.300 to effect this change.

This rulemaking also contains a clarification of Section 750.400. The rule provides that taxpayers who use service groups or other agents to make tax payments remain responsible for completing the authorization agreement for electronic funds transfer. The rule currently provides that service groups or agents may not "complete" the authorization agreement on behalf of taxpayers. This rulemaking replaces the word "complete" with the word "sign" to make it clear that the prohibition relates to service groups signing authorization agreements on behalf of taxpayers.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not impose a state mandate, nor does it affect any existing state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

Keith Staats  
Associate Chief Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business required to make payments of taxes by electronic funds transfer.

B) Reporting, bookkeeping or other procedures required for compliance: No additional bookkeeping or other procedures are required by this rulemaking.

C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: Under Section 3 of the ROT, the Department has been granted the statutory authority to provide by rule for the types of payments it will require taxpayers to make by electronic funds transfer. The Department has determined that it will be cost effective for the Department to add PST-1 and PST-3 payments to the list of required EFT payments.

The full text of the Proposed Amendment(s) begins on the next page:



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE  
PART 750

## PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Section	Scope of the Program and Rules
750.100	Definitions
750.200	Payments Required to be Paid by Electronic Funds Transfer
750.300	Eligibility Determination and Taxpayer Notification
750.400	Voluntary Program Participation
750.500	Methods of Electronic Funds Transfer Payment
750.600	Payment Transmission Errors
750.700	Department Notification Requirement
750.800	Due Date; General Provisions
750.900	

AUTHORITY: Implementing and authorized by the Retailers' Occupation Tax Act [35 ILCS 120]

SOURCE: Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 750.300 Payments Required to be Paid by Electronic Funds Transfer

- a) Income tax payments
- 1) Beginning on October 1, 1993, certain withholding tax payments and estimated income tax payments will be required to be paid by electronic funds transfer. The threshold amounts are set by law, change over time, and are detailed below.
  - 2) Beginning on October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more under Article 7 of the Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1993, a taxpayer who has an average quarterly estimated tax payment obligation of \$450,000 or more under Article 8 of the Act shall make all payments required by rules of the Department by electronic funds transfer. (Section 601.1 of the Illinois Income Tax Act [35 ILCS 5/601.1] ("the IITA"))
    - A) Beginning on October 1, 1994, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average monthly liability of \$100,000, and, beginning on October 1, 1995, the threshold drops to an average monthly liability of \$50,000.
    - B) Beginning on October 1, 1994, the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$300,000 and, beginning on

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- October 1, 1995, the threshold drops to an average quarterly estimated tax payment obligation of \$150,000.
- 3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
  - 4) Taxpayers over the statutory thresholds will only be required to make certain types of income tax payments by electronic funds transfer.
    - A) Taxpayers with income tax withholding liabilities over the statutory thresholds shall make IL-501 payments by electronic funds transfer. All other withholding payments by those taxpayers shall be made by conventional means.
    - B) Corporate taxpayers with estimated income and replacement tax liabilities over the statutory thresholds shall make IL-1120 ES payments and IL-505B payments by electronic funds transfer.
    - C) Individual taxpayers with estimated income tax liabilities over the statutory thresholds shall make IL-1040ES and IL-505I payments by electronic funds transfer.
    - D) Any other taxpayers not listed above who incur estimated income tax liabilities over the statutory thresholds will, upon contact by the Department, be required to make subsequent estimated payments by electronic funds transfer as directed by the Department.
  - b) State and local occupation and use tax payments
    - 1) Beginning on October 1, 1993, the Department will require certain State and local occupation and use tax payments to be made by electronic funds transfer. Subsection (b)(4) below sets forth the types of payments that must be made by electronic funds transfer.
    - 2) Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. (Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3] ("the ROT"))
      - A) Beginning October 1, 1994, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$100,000.
      - B) Beginning October 1, 1995, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$50,000.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
- 4) Taxpayers over the statutory thresholds will only be required to make RR-3 sales tax accelerated quarter-monthly payments, and ST-1 return payments, PST-1 return payments, and PST-3 return payments by electronic funds transfer. Any other payments that accompany a tax return (for example, ST-1-X return payments, 556 return payments, ~~PST-3 return payments~~, etc.) may not be paid by electronic funds transfer.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 750.400 Eligibility Determination and Taxpayer Notification**

Beginning in 1993, before August 1, the Department shall notify all taxpayers required to make payments by electronic funds transfer. For all years after 1993, the Department will notify, before August 1, only those taxpayers who become required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer, and all taxpayers accepted for voluntary participation in the program, must complete an authorization agreement for electronic funds transfer (Department Form EFT-1). Taxpayers who use service groups or other agents to make tax payments remain responsible for completing the authorization agreement. Service groups or agents may not sign ~~complete~~ the authorization agreement on behalf of taxpayers. All taxpayers required or permitted to make payments by electronic funds transfer shall make such payments for a minimum of one year beginning on October 1.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:  
130.310 Amendment
- 4) Statutory Authority: 20 ILCS 2505/39b19
- 5) A Complete Description of the Subjects and Issues Involved: In response to Public Act 89-420, this rulemaking amends 86 Ill. Adm. Code 130.310 to provide that "food for human consumption that is to be consumed off the premises where it is sold" includes all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. In addition, in response to Public Act 89-359, it amends Section 130.310 to provide that the low rate of tax applicable to medical appliances extends to modifications to a motor vehicle for the purpose of rendering it usable by a disabled person. The amendment also clarifies the Department's policy that the low rate also applies to diapers for incontinent adults, as well as undergarments for incontinent adults.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
130.120	Amendment	10/20/95, 19 Ill. Reg. 14752
130.501	Amendment	12/15/95, 19 Ill. Reg. 16483
130.502	Amendment	12/15/95, 19 Ill. Reg. 16483
130.510	Amendment	12/15/95, 19 Ill. Reg. 16483
130.535	Amendment	12/15/95, 19 Ill. Reg. 16483
130.540	Amendment	12/15/95, 19 Ill. Reg. 16483

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, IL 62794  
(217) 782-6996

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small vending machine businesses; businesses that sell medical appliances.
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

## PART 130

## RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section  
130.101  
130.105  
130.110  
130.111  
130.115  
130.120

Character and Rate of Tax  
Responsibility of Trustees, Receivers, Executors or Administrators  
Occasional Sales  
Sale of Used Motor Vehicles by Leasing or Rental Business  
Habitual Sales  
Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section  
130.201  
130.205  
130.210  
130.215  
130.220

The Test of a Sale at Retail  
Sales for Transfer Incident to Service  
Sales of Tangible Personal Property to Purchasers for Resale  
Further Illustrations  
Sales to Lessors of Tangible Personal Property

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section  
130.305  
130.310  
130.315  
130.320  
130.321  
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130.350

Farm Machinery and Equipment  
Food, Drugs, Medicines and Medical Appliances  
Fuel Sold for Use in Vessels on Rivers Bordering Illinois  
Gasohol  
Fuel Used by Air Common Carriers in International Flights  
Graphic Arts Machinery and Equipment Exemption  
Manufacturing Machinery and Equipment  
Pollution Control Facilities  
Rolling Stock  
Oil Field Exploration, Drilling and Production Equipment  
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

## SUBPART D: GROSS RECEIPTS

Section  
130.401  
130.405  
130.410

Meaning of Gross Receipts  
How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser  
Cost of Doing Business Not Deductible

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130.415 Transportation and Delivery Charges  
 130.420 Finance or Interest Charges--Penalties--Discounts  
 130.425 Traded-In Property  
 130.430 Deposit or Prepayment on Purchase Price  
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax  
 130.440 Penalties  
 130.445 Federal Taxes  
 130.450 Installation, Alteration and Special Service Charges  
 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section  
 130.501 Monthly Tax Returns--When Due--Contents  
 130.502 Quarterly Tax Returns  
 130.505 Returns and How to Prepare  
 130.510 Annual Tax Returns  
 130.515 First Return  
 130.520 Final Returns When Business is Discontinued  
 130.525 Who May Sign Returns  
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations  
 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

130.540 Returns on a Transaction by Transaction Basis  
 130.545 Registrants Must File a Return for Every Return Period  
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances

130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel  
 130.555 Vending Machine Information Returns  
 130.560 Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section  
 130.601 Preliminary Comments  
 130.605 Sales of Property Originating in Illinois  
 130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section  
 130.701 General Information on Obtaining a Certificate of Registration  
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements  
 130.710 Procedure When Security Must be Forfeited  
 130.715 Sub-Certificates of Registration  
 130.720 Separate Registrations for Different Places of Business of Same

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130.725 Taxpayer Under Some Circumstances  
 130.730 Display  
 130.735 Replacement of Certificate  
 130.740 Certificate Not Transferable  
 130.745 Certificate Required For Mobile Vending Units  
 130.745 Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section  
 130.801 General Requirements  
 130.805 What Records Constitute Minimum Requirement  
 130.810 Records Required to Support Deductions  
 130.815 Preservation and Retention of Records  
 130.820 Preservation of Books During Pendency of Assessment Proceedings  
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section  
 130.901 Civil Penalties  
 130.905 Interest  
 130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section  
 130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section  
 130.1101 Definition of Federal Area  
 130.1105 When Deliveries on Federal Areas Are Taxable  
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section  
 130.1201 General Information  
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section  
 130.1301 When Lessee of Premises Must File Return for Leased Department



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130.1305 When Lessor of Premises Should File Return for Leased Department  
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Section  
130.1401 Seller's Responsibility to Determine the Character of the Sale at  
the Time of the Sale  
130.1405 Seller's Responsibility to Obtain Certificates of Resale and  
Requirements for Certificates of Resale  
130.1410 Requirements for Certificates of Resale (Repealed)  
130.1415 Resale Number--When Required and How Obtained  
130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
130.1501 Claims for Credit--Limitations--Procedure  
130.1505 Disposition of Credit Memoranda by Holders Thereof  
130.1510 Refunds  
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SUBPART P: PROCEDURE TO BE FOLLOWED UPON  
SELLING OUT OR DISCONTINUING BUSINESS

Section  
130.1601 When Returns are Required After a Business is Discontinued  
130.1605 When Returns are Not Required After Discontinuation of a Business  
130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section  
130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

Section  
130.1801 When Powers of Attorney May be Given  
130.1805 Filing of Power of Attorney With Department  
130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

Section  
130.1901 Addition Agents to Plating Baths  
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## DEPARTMENT OF REVENUE

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130.1915 Stamps and Like Articles  
130.1920 Auctioneers and Agents  
130.1925 Barbers and Beauty Shop Operators  
130.1930 Blacksmiths  
130.1935 Chiropodists, Osteopaths and Chiropractors  
130.1940 Computer Software  
130.1945 Construction Contractors and Real Estate Developers  
130.1950 Co-Operative Associations  
130.1951 Dentists  
130.1955 Enterprise Zones  
130.1955 Farm Chemicals  
130.1960 Finance Companies and Other Lending Agencies - Installment Contracts  
- Repossessions  
130.1965 Florists and Nurserymen  
130.1970 Hatcheries  
130.1975 Operators of Games of Chance and Their Suppliers  
130.1980 Optometrists and Opticians  
130.1985 Pawnbrokers  
130.1990 Peddlers, Hawkers and Itinerant Vendors  
130.1995 Personalizing Tangible Personal Property  
130.2000 Persons Engaged in the Printing, Graphic Arts or Related  
Occupations, and Their Suppliers  
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar  
Enterprises Operated As Businesses, and Suppliers of Such Persons  
130.2006 Sales by Teacher-Sponsored Student Organizations  
130.2007 Exemption Identification Numbers  
130.2008 Sales by Nonprofit Service Enterprises  
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to  
Others  
130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property  
130.2020 Physicians and Surgeons  
130.2025 Picture-Framers  
130.2030 Public Amusement Places  
130.2035 Registered Pharmacists and Druggists  
130.2040 Retailers of Clothing  
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art  
Shows, Flea Markets and the Like  
130.2050 Sales and Gifts By Employers to Employees  
130.2055 Sales by Governmental Bodies  
130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products  
130.2065 Sales of Automobiles for Use In Demonstration  
130.2070 Sales of Containers, Wrapping and Packing Materials and Related  
Products  
130.2075 Sales To Construction Contractors, Real Estate Developers and  
Speculative Builders  
130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular  
Personnel  
130.2085 Sales to or by Banks, Savings and Loan Associations and Credit

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Unions  
 130.2090 Sales to Railroad Companies  
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles  
 130.2100 Sellers of Feeds and Breeding Livestock  
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers  
 130.2110 Sellers of Seeds and Fertilizer  
 130.2115 Sellers of Machinery, Tools and the Like  
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions  
 130.2125 Trading Stamps and Discount Coupons  
 130.2130 Undertakers and Funeral Directors  
 130.2135 Vending Machines  
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order  
 130.2145 Vendors of Meals  
 130.2150 Vendors of Memorial Stones and Monuments  
 130.2155 Vendors of Signs  
 130.2156 Vendors of Steam  
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.  
 130.2165 Veterinarians  
 130.2170 Warehousemen  
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b19 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b19].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767,

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effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

## Section 130.310 Food, Drugs, Medicines and Medical Appliances

- a) General. With respect to food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption), and prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing utensils, syringes, and needles used by diabetics, for human use, the tax is imposed at the rate of 1%. (Section 2-10 of the Act).
- b) Food
- 1) A food is any solid, liquid, powder or item intended by the seller primarily for human internal consumption, whether simple, compound or mixed, including foods such as condiments, spices, seasonings, vitamins, bottled water and ice.
  - 2) Gross receipts from sales of food for which facilities are provided so that it can be consumed on the premises where it is sold and gross receipts from sales of food which has been prepared for immediate consumption do not qualify for the reduced rate. For example:
    - A) gross receipts from sales of food and drinks by restaurants, coffee shops, cafeterias and other establishments selling food which has been prepared for immediate consumption or

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

which provide facilities for on-premises consumption are subject to the full rate of tax.

B) concession stands, snack shops and other establishments which sell food items primarily (more than 50%) in individual sized servings (such as ice cream cones, bags of popcorn, and individually served sandwiches) make sales of food for immediate consumption.

C) sales of all hot food and hot food products are sales of food for immediate consumption.

3) Delicatessens, markets, dairies and bakeries and other establishments which sell food items primarily (more than 50%) in quantities greater than individual sized servings incur the reduced rate on gross receipts from retail sales of food items. However, the full rate will apply to all sales made by such establishments which provide facilities for the consumption of food on premises unless those facilities utilize a separate means of recording and accounting for collection of receipts from such sales for consumption on the premises and are physically partitioned from areas in which food not for immediate consumption is sold. The phrase "separate means of recording and accounting for collection of receipts" includes cash registers which separately identify high rate and low rate sales, separate cash registers, and other methods by which the tax on high rate and low rate sales are recorded at the time of collection.

4) The reduced rate does not extend to alcoholic beverages. An alcoholic beverage is any beverage subject to the tax imposed under Article VIII of the "The Liquor Control Act of 1934" [235 ILCS 5/Art. VIII] (1111--Rev---Stat--1989--ch--437--pars--94-et seq.).

5) The reduced rate does not extend to soft drinks. Soft drinks will be taxed at the State sales tax rate of 6.25%. The term "soft drinks" means any complete, finished, ready-to-use, non-alcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton, or container regardless of size. "Soft drinks" does not include coffee, tea, non-carbonated water, infant formula, milk or milk products as defined in Section 3(a)(2) and (4) of the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635] (1111--Rev--Stat--1989--ch--56--172---pars--3201-et-seq.), or drinks containing 50% or more natural fruit or vegetable juice. (Section 2-10 of the Act) Frozen concentrated fruit juice, dry powdered drink mixes, and fruit juices which are reconstituted to natural strength are not soft drinks.

6) Food prepared for immediate consumption means food made ready by the retailer to be eaten without substantial delay after the

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final stage of preparation by the retailer. Retailers who sell food which they do not prepare in any way, are not selling food for immediate consumption, i.e., pre-packaged candy bars, snacks, chips, ice cream, unless that food is to be consumed on the retailer's premises. It is presumed that retailers who sell food prepared for immediate consumption in individual single-sized servings will sell all such items for consumption without substantive delay. Thus, for example, a retailer of individual sandwiches, doughnuts or cookies prepared in the morning will be subject to the high rate of tax regardless of when during a business day such items are sold and actually consumed. "Premises" are that area over which the vendor exercises control, whether by lease, contract, license or otherwise, and, in addition, the area in which facilities for eating are provided, including areas designated for, or devoted to, use in conjunction with the business engaged in by the vendor. Thus, all food sold by a restaurant for consumption on premises, whether prepared for immediate consumption or not, is subject to the high rate. Candy bars--sold--through--a--vending-machine--located-outside-a-service station--with-no-facilities-for-consumption--would-be--subject--to the-low-rate-of-tax--while-an-identical-candy-bar-sold-through-an identical--vending-machine--in--a-cafe--would--break--area--or-a location--with-shaded-eating-facilities--would-be--subject--to--the high--rate. Vendor premises would include eating areas provided by employers for employees, common or shared eating areas in shopping centers or public buildings if customers of food vendors adjacent to such areas are permitted to use them for consumption of food products. It will be presumed that food sold by vendors with on-premises consumption facilities will, in fact, be consumed on premises unless the vendor presents evidence to the contrary from its books and records.

7) For purposes of this Section, effective June 1, 1996, food for human consumption that is to be consumed off the premises where it is sold (Section 2-10 of the Act) includes all food sold through a vending machine, except soft drinks and food products that are dispensed not from a vending machine, regardless of the location of the vending machine. For example, a candy bar sold through a vending machine is subject to the low rate of tax regardless of whether on-premises facilities for consumption are provided at that location.

## c) Medicines and Medical Appliances

1) A medicine or drug is any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities.

2) A medical appliance is an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. Such items may be prescribed by licensed health care professionals for use by a patient,



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purchased by health care professionals for the use of patients, or purchased directly by individuals. Purchases of medical appliances by lessors which will be leased to others for human use also qualify for the exemption. Included in the exemption as medical appliances are such items as artificial limbs, dental prostheses and orthodontic braces, crutches and orthopedic braces, wheelchairs, heart pacemakers, and dialysis machines (including the dialyzer). Corrective medical appliances such as hearing aids, eyeglasses and contact lenses qualify for exemption. Diagnostic equipment shall not be deemed to be a medical appliance, except as provided in Section 130.310(d). Other medical tools, devices and equipment such as x-ray machines, laboratory equipment, and surgical instruments which may be used in the treatment of patients but, which do not directly substitute for a malfunctioning part of the human body do not qualify as exempt medical appliances.

- 3) Supplies, such as non-sterile cotton swabs, disposable diapers, toilet paper, tissues and toilettes and cosmetics, such as lipsticks, perfume and hair tonics do not qualify for the reduced rate. Sterile dressings, bandages and gauze do qualify for the reduced rate. Diapers for incontinent adults, as well as undergarments for incontinent adults, qualify for the low rate of tax.

d) *Insulin, urine testing materials, syringes, and needles used in treating diabetes in human beings qualify for the reduced rate of tax.* (Section 2-10 of the Act)

e) *Modifications Made to a Motor Vehicle for the Purpose of Rendering it Usable by a Disabled Person*

1) *Effective August 17, 1995, modifications made to a motor vehicle, as defined in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146], for the purpose of rendering it usable by a disabled person, qualify for the reduced rate of tax (Section 2-10 of the Act). The low rate applies to modifications which enable a disabled person to drive a vehicle, or which assist in the transportation of disabled persons. Examples of such modifications include, but are not limited to, special steering, braking, shifting, or acceleration equipment, or equipment which modifies the vehicle for accessibility, such as a chair lift.*

2) *For purposes of this regulation, the term "disabled person" has the same meaning as a "person with disabilities" in Section 1-159.1 of the Illinois Vehicle Code [625 ILCS 5/1-159.1].*

f) *Reporting*

- 1) *The retailer must keep an actual record of all sales and must report tax at the applicable rates, based on sales as reflected in his records. Books and records must be maintained in sufficient detail so that all receipts reported with respect to food, drugs, medicines and medical appliances can be supported. The determination of the percentage of sales of food items sold*

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

in individual-sized servings referred to in subsections (b)(2)(B) and (b)(3) ~~2(b)-and-(d)~~ above, will be made by comparing the dollar amounts of the gross receipts of the two categories of foods. The determination shall be based upon a period which will generally reflect the true character of overall sales rather than isolated or seasonal variations.

- 2) If a retailer finds it difficult to maintain detailed records of receipts from sales of food, drugs, medicines and medical appliances at the reduced rate, as well as detailed records of receipts from all other sales of tangible personal property at the full rate, he may request the use of a formula. Such requests must be made to the Department in writing and must state the reasons that a formula method is necessary and outline the proposed formula in detail. Included in the request must be a description of how the method can be audited by the Department. Upon findings that the formula can be audited and will produce results that will reasonably approximate the actual taxable receipts in each category, the Department may issue its approval for use of such formula. If approval is granted, the Department reserves the right to withdraw approval or require a change in procedure at any time.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for Operation and Conduct of Affairs of Corporate Fiduciaries

- 2) Code Citation: 38 Ill. Adm. Code 399

- 3) Section Numbers:
- |         |                 |
|---------|-----------------|
| 399.10  | Adopted Action: |
|         | New Section     |
| 399.20  | New Section     |
| 399.110 | New Section     |
| 399.120 | New Section     |

- 4) Statutory Authority: Implementing and authorized by Section 5-1(a) of the Corporate Fiduciary Act [205 ILCS 620/5-1(a)].

- 5) Effective Date of Rulemaking: March 13, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 8, 1996

- 9) Notice of Proposal Published in Illinois Register: November 13, 1995, 19 Ill. Reg. 15290

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: The Commissioner of Banks and Trust Companies is authorized to promulgate reasonable rules setting forth standards for the operation and conduct of the affairs of corporate fiduciaries to ensure their safe and sound operation. This Part is being established to set forth those standards under one heading to facilitate easy reference by the corporate fiduciaries affected. Subpart A will contain the general provisions applicable to the Part. Subpart B will set forth limitations on the authority of a trust company to invest for its own account in order to safeguard the condition of such trust company.

- 16) Information and questions regarding these adopted amendments shall be directed to:

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED AMENDMENTS

Patrick F. Andre, Division Counsel  
Commissioner of Banks and Trust Companies  
310 South Michigan Avenue, Suite 2130  
Chicago, IL 60604  
(312) 793-2043

The full text of the Adopted Amendment begins on the next page:

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES

## PART 399

STANDARDS FOR OPERATION AND CONDUCT OF AFFAIRS OF  
CORPORATE FIDUCIARIES

## SUBPART A: GENERAL PROVISIONS

Section  
399.10 Purpose  
399.20 Definitions

## SUBPART B: TRUST COMPANY INVESTMENTS

Section  
399.110 Purpose  
399.120 Investments

AUTHORITY: Implementing and authorized by Section 5-1(a) of the Corporate Fiduciary Act [205 ILCS 620/5-1(a)].

SOURCE: Adopted at 20 Ill. Reg. 5060, effective  
MAR 1 2 1996.

## SUBPART A: GENERAL PROVISIONS

## Section 399.10 Purpose

The Commissioner of Banks and Trust Companies is authorized to promulgate reasonable rules setting forth standards for the operation and conduct of the affairs of corporate fiduciaries to ensure their safe and sound operation. The purpose of this Part is to set forth those standards under one heading to facilitate easy reference by the corporate fiduciaries affected.

## Section 399.20 Definitions

"Banking Act" means the Illinois Banking Act [205 ILCS 5].

"Commissioner" means the Commissioner of Banks and Trust Companies.

"Corporate fiduciary" shall have the meaning ascribed to it in Section 1-5.05 of the Corporate Fiduciary Act.

"Corporate Fiduciary Act" means the Corporate Fiduciary Act [205 ILCS 620].

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF ADOPTED AMENDMENTS

"State bank" shall have the meaning ascribed to it in Section 2 of the Banking Act.

"Trust company" shall have the meaning ascribed to it in Section 1-5.11 of the Corporate Fiduciary Act.

## SUBPART B: TRUST COMPANY INVESTMENTS

## Section 399.110 Purpose

The Commissioner is authorized to determine the minimum capital, surplus and reserves required for the safe and sound operation of corporate fiduciaries. Corporate fiduciaries that are state banks are subject to the investment limitations contained in the Banking Act. The purpose of this Subpart is to set forth the limitations on the authority of a trust company to invest for its own account in order to safeguard the condition of such trust company.

## Section 399.120 Investments

For purposes of determining the adequacy of capital, surplus and reserves, a trust company, when purchasing, selling and holding investments for its own accounts, shall be subject to the same limitations and conditions with respect to such investments as are permitted for state banks by the Banking Act. The Commissioner shall disallow any investments that are not so permitted from the calculation of adequate capital, surplus and reserves.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Promotion Act Programs
- 2) Code Citation: 14 Ill. Adm. Code 510
- 3) Section Numbers: Adopted Action:  
510.150 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 655].
- 5) Effective Date of Rulemaking: March 11, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 11, 1996
- 9) Notice of Proposal Published in Illinois Register: December 15, 1995 (19 Ill. Reg. 16340)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The proposed and final versions of the rule are identical.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 510.150 of the Tourism Attraction Grant Program rules is being amended to reflect recent legislative action. Public Act 89-262 increases the maximum amount of funds allowable for grants/loans to develop or improve tourist attractions.
- 16) Information and questions regarding this adopted amendment shall be directed to:

**Name:** Ms. Barbara Beard, Rules Coordinator  
**Address:** Department of Commerce and Community Affairs  
620 East Adams Street  
Springfield, Illinois 62701  
**Telephone:** (217)524-9617 T.D.D. (217)785-6055

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE  
SUBTITLE C: ECONOMIC DEVELOPMENT  
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS  
PART 510  
ILLINOIS PROMOTION ACT PROGRAMS

## SUBPART A: TOURISM MATCHING GRANT PROGRAM

Section  
510.10 Authority  
510.20 Definitions  
510.30 Computation of Time  
510.40 Allocation of Appropriations to Applicants  
510.50 Form of Application  
510.60 Application Procedures  
510.70 Department Review Procedures  
510.80 Agreement  
510.85 Administrative Requirements  
510.90 Provision for Amendment to This Part  
510.100 Severability

## SUBPART B: TOURISM ATTRACTION LOAN AND GRANT PROGRAM

Section  
510.110 Purpose  
510.120 Definitions  
510.130 Eligible Uses of Loan and Grant Funds  
510.140 Eligible Applicants  
510.150 Funding Limitation  
510.160 Application Cycle  
510.170 Application Documentation  
510.175 Evaluation Process  
510.180 Selection for Funding  
510.185 Leverage  
510.190 Allocation of Appropriations  
510.195 Administrative Requirements for Loans  
510.200 Administrative Requirements for Grants  
510.205 Administrative Requirements for Loans and Grants

## SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section  
510.210 Purpose  
510.220 Definitions  
510.230 Eligible Uses of Grant Funds  
510.240 Eligible Applicants  
510.250 Funding Limitation

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENTS

510.260 Application Cycle  
510.270 Application Documentation  
510.275 Evaluation Process  
510.280 Selection for Funding  
510.285 Matching Funds  
510.290 Administrative Requirements for Grants

AUTHORITY: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. **5064**, effective WAR 1-1-1996.

SUBPART B: TOURISM ATTRACTION LOAN AND GRANT PROGRAM

## Section 510.150 Funding Limitation

The Department shall provide no more than 50 percent of the entire amount of actual expenditures for a single project, not to exceed \$100,000 ~~\$40,000~~.

(Source: Amended at 20 Ill. Reg. **5064**, effective WAR 1-1-1996)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: Adopted Action:  
120.80 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P. A. 88-554.
- 5) Effective Date of Amendments: March 20, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 20, 1996
- 9) Notice of Proposal Published in Illinois Register: June 30, 1995 (19 Ill. Reg. 8512)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
  1. The Ill. Rev. Stat. was deleted from the AUTHORITY.
  2. In Section 120.80(a), "based on the recipient's diagnoses and/or medical condition or conditions" was added after "not medically necessary".
  3. In Section 120.80(c), "medical" was inserted before "necessity", "them" was replaced by "the recipient" and "their" was replaced by "his or her".
  4. In Section 120.80(d)(1), "Health Maintenance Organization" was changed to "HMO".
  5. Section 120.80(d)(2) has been changed as follows:
 

"The primary care physician shall be a medical doctor or doctor of osteopathy, licensed to practice medicine in all its branches, or a clinic enrolled to provide primary care; a properly registered Medicaid provider in good standing with the department per the physician registration; enrolled to provide physician services with the Department; and willing to serve as the primary care provider."

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

6. In Section 120.80(e), "Recipient, Grantee or Caretaker Relative Designated Primary Care Provider and/or Primary Care Pharmacy or HMO" was stricken. The new heading for Section 120.80(e) will be "Types of Services Provided or Authorized" and the remainder of the subsection was renumbered/relettered.
7. In Section 120.80(e)(1)(A), "non-emergency" was inserted after "following".
8. Section 120.80(e)(1)(A)(vi) was stricken.
9. In Section 120.80(e)(1)(B), "non-emergency" was inserted after "obtain".
10. In Section 120.80(f)(1), "primary care provider, primary care pharmacy" was capitalized.
11. "The Department, by notice, shall inform the recipient how to request a change in Primary Care Provider, Primary Care Pharmacy or HMO." was added to the end of Section 120.80(f)(1).
12. In Section 120.80(f)(5), "For all changes" was changed to "For the provider, pharmacy or HMO".
13. In Section 120.80(g)(2)(A), "This additional period of eight full quarters shall begin with the first month immediately following the end of the first four full quarter restriction period." was inserted after "an additional period of eight full quarters".
14. In Section 120.80(g)(2)(B), the last sentence was changed as follows:
 

"The medical record will be reviewed by the Medical Assistant Consultant with a final determination by a licensed physician and/or pharmacologist to determine if the medical services received were medically necessary."
15. "This notice will also contain a statement relating to the necessity of services consistent with the findings of the professional consultants; a statement advising them of their right to appeal; and a toll-free number to call for information." was added at the end of Section 120.80(g)(2)(D).
16. In Section 120.80(h), the period was moved to the inside of the parenthesis. No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

or her designated provider for cause.

Current cost avoidance reports indicate the restriction of a recipient to a primary care provider saves approximately \$188 per client per month. As of March 31, 1995, there were 1270 recipients restricted within the Recipient Restriction Program. Using the third quarter FY'95 cost avoidance data, approximately \$2.9 million will be saved over a 12 month period.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No

- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.11	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.30	Amendment	October 6, 1995 (19 Ill. Reg. 13797)
120.64	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.310	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.330	Amendment	January 19, 1996 (20 Ill. Reg. 1133)
120.345	Amendment	October 6, 1995 (19 Ill. Reg. 13797)
120.360	Amendment	January 19, 1996 (20 Ill. Reg. 1133)
120.361	Amendment	January 19, 1996 (20 Ill. Reg. 1133)
120.362	Amendment	January 19, 1996 (20 Ill. Reg. 1133)
120.363	New Section	January 19, 1996 (20 Ill. Reg. 1133)
120.364	Amendment	January 19, 1996 (20 Ill. Reg. 1133)
120.372	Amendment	January 19, 1996 (20 Ill. Reg. 1133)
120.390	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.390	Amendment	October 6, 1995 (19 Ill. Reg. 13797)
120.391	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.392	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.395	Repeal	January 19, 1996 (20 Ill. Reg. 1133)

- 15) Summary and Purpose of Amendments: In accordance with provisions of P. A. 88-554, these amendments allow for a twenty-four month restriction for a recidivist client who continues to overutilize or abuse medical services. The twenty-four month restriction will allow staff to review new recipients rather than continually review the same clients every twelve months. This change will save staff time, save valuable Medicaid dollars and improve the quality of care received by recipients having their medical care coordinated by a primary care provider.

As a result of this rulemaking, once a recipient is identified, the Department will initially designate, without regard to choice, a Primary Care Provider, Primary Care Pharmacy or Health Maintenance Organization (HMO). The Department will select one provider, one pharmacy or HMO in reasonable geographical proximity to the recipient's home to serve as the recipient's Primary Care Provider, Primary Care Pharmacy or Health Maintenance Organization.

The Department's designation will remain in effect for the entire period of the restriction unless the recipient changes this designation. The recipient may change the Department's initial designation of a primary care physician, primary care pharmacy or HMO once without cause. If certain specified circumstances are verified, the recipient may change his

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 120

## MEDICAL ASSISTANCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

Section  
120.1 Incorporation By Reference

## SUBPART B: ASSISTANCE STANDARDS

Section  
120.10 Eligibility For Medical Assistance  
120.11 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy  
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women  
120.20 MANG(AABD) Income Standard  
120.30 MANG(C) Income Standard  
120.31 MANG(P) Income Standard  
120.40 Exceptions To Use Of MANG Income Standard  
120.50 AMI Income Standard

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy  
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities  
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643  
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings  
120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy  
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

## SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section  
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)  
120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)  
120.74 Qualified Medicare Beneficiary (QMB) Income Standard  
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard  
120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90 Migrant Medical Program  
120.91 Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.200 Elimination of Aid to The Medically Indigent  
120.208 Client Cooperation (Repealed)  
120.210 Citizenship (Repealed)  
120.211 Residence (Repealed)  
120.212 Age (Repealed)  
120.215 Relationship (Repealed)  
120.216 Living Arrangement (Repealed)  
120.217 Supplemental Payments (Repealed)  
120.218 Institutional Status (Repealed)  
120.224 Foster Care Program (Repealed)  
120.225 Social Security Numbers (Repealed)  
120.230 Unearned Income (Repealed)  
120.235 Exempt Unearned Income (Repealed)  
120.236 Education Benefits (Repealed)  
120.240 Unearned Income In-kind (Repealed)  
120.245 Earmarked Income (Repealed)  
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)  
120.255 Protected Income (Repealed)  
120.260 Earned Income (Repealed)  
120.261 Budgeting Earned Income (Repealed)  
120.262 Exempt Earned Income (Repealed)  
120.270 Recognized Employment Expenses (Repealed)  
120.271 Income From Work/Study/Training Program (Repealed)  
120.272 Earned Income From Self-Employment (Repealed)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

120.273 Earned Income From Roomer and Boarder (Repealed)  
 120.275 Earned Income In-Kind (Repealed)  
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)  
 120.280 Assets (Repealed)  
 120.281 Exempt Assets (Repealed)  
 120.282 Asset Disregards (Repealed)  
 120.283 Deferral of Consideration of Assets (Repealed)  
 120.284 Spend-down of Assets (AMI) (Repealed)  
 120.285 Property Transfers (Repealed)  
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)  
 120.295 Payment Levels for AMI (Repealed)

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section  
 120.308 Client Cooperation  
 120.309 Caretaker Relative  
 120.310 Citizenship  
 120.311 Residence  
 120.312 Age  
 120.313 Blind  
 120.314 Disabled  
 120.315 Relationship  
 120.316 Living Arrangements  
 120.317 Supplemental Payments  
 120.318 Institutional Status  
 120.319 Assignment of Rights to Medical Support and Collection of Payment  
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support  
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause  
 120.324 Health Insurance Premium Payment (HIPP) Program  
 120.325 Health Insurance Premium Payment (HIPP) Pilot Program  
 120.326 Foster Care Program  
 120.327 Social Security Numbers  
 120.330 Unearned Income  
 120.332 Budgeting Unearned Income  
 120.335 Exempt Unearned Income  
 120.336 Education Benefits  
 120.338 Incentive Allowance  
 120.340 Unearned Income In-Kind  
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent  
 120.345 Earmarked Income  
 120.346 Medicaid Qualifying Trusts

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

120.347 Treatment of Trusts  
 120.350 Lump Sum Payments and Income Tax Refunds  
 120.355 Protected Income  
 120.360 Earned Income  
 120.361 Budgeting Earned Income  
 120.362 Exempt Earned Income  
 120.364 Earned Income Exemption  
 120.366 Exclusion From Earned Income Exemption  
 120.370 Recognized Employment Expenses  
 120.371 Income From Work/Study/Training Programs  
 120.372 Earned Income From Self-Employment  
 120.373 Earned Income From Roomer and Boarder  
 120.375 Earned Income In Kind  
 120.376 Payments from the Illinois Department of Children and Family Services  
 120.379 Assessment of Assets  
 120.380 Assets  
 120.381 Exempt Assets  
 120.382 Asset Disregard  
 120.383 Deferral of Consideration of Assets  
 120.384 Spend-down of Assets (MANG)  
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)  
 120.386 Property Transfers Occurring On or Before August 10, 1993  
 120.387 Property Transfers Occurring On or After August 11, 1993  
 120.390 Persons Who May Be Included In the Assistance Unit  
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later  
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project  
 120.395 Payment Levels for MANG  
 120.399 Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and VII and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive

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change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12872, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective July 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendments at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 15586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2,

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1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective MAR 20 1996.

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

## Section 120.80 Recipient Restriction Program

- a) The Recipient Restriction Program (RRP) shall identify recipients who unnecessarily utilize medical services. When the Department determines, on the basis of statistical norms and the medical judgement of physicians and/or pharmacologists, that a Medicaid recipient has received medical services that are not medically necessary based on the recipient's diagnoses and/or medical condition or conditions or in such a manner as to constitute an abuse of medical privileges, the decision to restrict a recipient to a Primary Care Provider, Physician and/or Primary Care Pharmacy will be made. RRP applies to all medical assistance programs administered by the Department.
- b) Primary and Secondary Sources of Recipient Identification
- 1) The primary source of recipient identification shall be the Surveillance and Utilization Review Subsystem (SURS) of the Medicaid Management Information System (MMIS). On a quarterly basis, SURS analyzes the entire Medicaid population, determines medical usage per recipient and will identify recipients with

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- usages in excess of the quarterly established norm of recipients in the same category of assistance and like demographic areas.
- 2) Secondary sources of identification shall be incoming referrals, such as referrals from medical providers, law enforcement officials or members of the general public. All referrals shall be reviewed and analyzed. Recipients found to have loaned or altered their medical cards for the purpose of obtaining medical benefits for which they or other persons are not legitimately entitled; falsely represented medical coverage; found in possession of blank or forged prescription pads; or who knowingly assisted providers in rendering excessive services or defrauding the Medical Assistance Program shall be restricted.
  - c) Once a recipient is identified, medical usage based on diagnoses and/or medical condition for the nine months preceding identification shall be reviewed. Medical Assistance Consultants, licensed physicians and/or pharmacologists will determine if the recipient should be restricted due to the medical services received being not medically necessary. The Department shall initially designate, without regard to choice, a Primary Care Provider and/or Primary Care Pharmacy or Health Maintenance Organization (HMO). The Department's designation shall remain in effect for the entire period of the restriction unless the recipient changes this designation pursuant to subsection (f) of this Section. Each recipient to be restricted will be notified in writing. Such notification shall provide twenty-one (21) calendar days for the recipient, grantee or caretaker relative to cooperate by completing and returning to the Department, a form which designates a Primary Care Physician and/or Primary Care Pharmacy, or the selection of a Health Maintenance Organization (HMO). Upon receipt of the selected provider, the Department will review the choice of the primary care physician to ensure that the designated primary care physician is a medical doctor or doctor of osteopathy, licensed to practice medicine in all its branches, is a properly registered Medicaid provider in good standing with the Department, per the Physician registration is enrolled to provide physician services with the Department, and is willing to serve as the primary care physician. The recipient will be informed that the selection of a Health Maintenance Organization will apply to the entire family unit. This notice will also contain a statement relating to the medical necessity of services consistent with the findings of the professional consultants; a statement advising the recipient that of his or her right to appeal; and a toll-free number to call for information. Care Provider if the recipient fails to do so.
  - d) Department Designated Primary Care Provider Physician and/or Primary Care Pharmacy or HMO

1) If the recipient, grantee or caretaker relative does not respond to the notice by either designating a Primary Care Physician and/or Primary Care Pharmacy or HMO as directed, or by filing an



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appears--then--a--physician--and/or--pharmacy--will--be--designated--by--the--Department--for--the--recipient;-----the--Department--will--not--designate--an--HMO;

1)2) The Department will select one provider physician and/or one pharmacy or HMO in reasonable geographical proximity to the recipient's home who recently provided services to the recipient and who agrees to serve as the recipient's Primary Care Provider and who agrees to serve as the Primary Care Physician and/or Primary Care Pharmacy; the Department shall designate another physician and/or pharmacy who agrees to serve in that capacity and whose medical offices are in reasonable geographical proximity to the recipient's home; the criteria used by the Department in designating a primary care physician will be identical to those enumerated in subsection (c) above.

2) The primary care physician shall be a medical doctor or doctor of osteopathy, licensed to practice medicine in all its branches, or a clinic enrolled to provide primary care; a properly registered Medicaid provider in good standing with the Department per the physician registration; enrolled to provide physician services with the Department; and willing to serve as the primary care provider.

e) Recipient-Grantee-or-Caretaker-Relative-Designated-Primary-Care Physician-and/or-Primary-Care-Pharmacy

1) A-recipient-grantee-or-caretaker-relative-designating-a-Primary-Care-Physician-and/or-Primary-Care-Pharmacy--must--do--so--in--writing;--Such-designation--shall--be--submitted--to--the--Department;--The-Department--shall--verify--with--the--physician--and/or--pharmacy--their--willingness--to--be--Primary-Care-Physician-and/or-Primary-Care-Pharmacy--for--the--recipient;--The--restriction--will--be--effective--with--the--next--regular--issuance--of--the--Medical--Eligibility-Card;

e)2) Types of Services Provided or Authorized

1) A) Once restricted, the Medical Eligibility Card shall display the program restriction code and the name of the Primary Care Provider Physician and/or Primary Care Pharmacy or HMO on the front of the card with the name of the restricted recipient. The card will also contain a notice that emergency services will not be restricted. If restricted to a Primary Care Provider Physician, the Primary Care Provider Physician must provide or authorize the following non-emergency ambulatory care services for the restricted recipient before the Department will render payment for the services:

- A) Clinic
- B) Laboratory
- C) Outpatient Hospital
- D) Pharmacy
- E) Physician

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v) Podiatric

2) B) The Primary Care Pharmacy or HMO must supply all prescriptions. Authorization to obtain non-emergency prescriptions from any other source will only be approved in such instances when a specific item is not part of the Primary Care Pharmacy's or HMO's inventory and cannot be acquired through the Primary Care Pharmacy or HMO.

3) Other covered services may be provided by a qualified provider in the Department's Medical Program.

f) In-lieu-of-a-Primary-Care-Physician-and/or-Primary-Care-Pharmacy--the-recipient--for--whom--restriction--is--required--may--designate--in--writing--form--a--Health-Maintenance-Organization--(HMO);--if--a--recipient--is--restricted--to--an--HMO--and--disenrollment--within--the--four--quarter--time--period--for--restriction--a--Primary-Care-Physician-and/or--Primary-Care-Pharmacy--for--the--recipient--shall--be--selected--immediately--by--the--recipient--grantee--or--caretaker--relative--if--the--recipient--grantee--or--caretaker--relative--fails--to--select--a--Primary-Care-Physician-and/or--Primary-Care-Pharmacy--within--twenty-one--(21)--calendar--days--after--written--notification--the--Department--will--designate--a--Primary-Care-Provider--for--the--recipient--in--accordance--with--subsection--(d)(2).--During--the--interim--period--an--emergency--medical--card--will--be--issued--if--necessary.

f)2) Changing the Designated Primary Care Provider Physician and/or Primary Care Pharmacy or HMO

1) The recipient may change the Department's initial designation of a Primary Care Provider, Primary Care Pharmacy or Health Maintenance Organization once without cause. The request for change must be submitted to the Department in writing. The Department, by notice, shall inform the recipient how to request a change in the Primary Care Provider, Primary Care Pharmacy or HMO.

2) A-recipient--may--change--his/her--designation--of--a--Primary-Care-Physician-and/or-Primary-Care-Pharmacy--once--every--six--(6)--months;--The-recipient-may-change-his-or-her-his/her-designated-provider-for-more-frequently-if-one-of-the-following-circumstances-is-verified:

- A) Change of recipient's residence from the geographic area of the Primary Care Provider, Physician and/or Primary Care Pharmacy or HMO;
- B) Change in the recipient's medical condition which the Primary Care Provider Physician is unable to treat or refer to another provider;
- C) Death of the Primary Care Provider, Physician;
- D) Disenrollment of the Primary Care Provider Physician and/or Primary Care Pharmacy or HMO from the Medical Assistance Program; and
- E) Notice from the Primary Care Provider Physician and/or Primary Care Pharmacy or HMO that they will no longer serve

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as the Primary Care Provider.

3) ~~2~~ The Department will notify the recipient in writing if the Primary Care Provider ~~Physician~~ and/or Primary Care Pharmacy or HMO has disenrolled as a provider of Medicaid services or if the provider notifies the Department of their unwillingness to continue to serve as the recipient's Primary Care Provider.

4) ~~3~~ Changes in designated Primary Care Provider Physician and/or Primary Care Pharmacy or HMO shall be processed effective with the next regular issuance of the Medical Eligibility Card. A temporary medical card will be issued if necessary.

5) For the provider, pharmacy or HMO, the Department will determine if the requested change meets the criteria in subsection (d) of this Section.

g) ~~h~~ Length of Restriction

1) Once recipients are restricted they remain in restriction for a minimum of four full quarters. If restricted recipients transfer to a different assistance unit, the restriction will be processed to follow the recipient. If a restricted recipient becomes inactive and is subsequently reactivated, the restriction will be reactivated until such time as four full quarters have elapsed.

2) Reevaluation of the Recipient's Medical Usage

A) When a recipient has had his or her ~~his/her~~ medical card restricted for four full quarters, the Department shall reevaluate the recipient's medical usage to determine whether the recipient continues to receive medical services that are not medically necessary. The Department shall evaluate each case not later than eighteen months after the effective date of restriction. If the recipient is still receiving medical services that are not medically necessary, the restriction shall be continued for an additional period of eight ~~another-four~~ full quarters. This additional period of eight full quarters shall begin with the first month immediately following the end of the first four full quarter restriction period. If the recipient no longer is receiving medical services that are not medically necessary, the restriction shall be discontinued. A "quarter", for purposes of this Section, shall be defined as one of the following three-month periods of time: January-March, April-June, July-September or October-December.

B) If necessary to determine if medical services that are not medically necessary are still being received, the Department shall obtain a complete copy of the recipient's medical record from the Primary Care Provider ~~Physician~~. The medical record will be reviewed by the Medical Assistant Consultant with a final determination by a licensed physician and/or pharmacologist to determine if the ~~level of~~ medical services received were medically ~~is~~ necessary.

C) If the decision is to release the recipient from

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restriction, such release will be processed effective with the next regular issuance of the Medical Eligibility Card so that the card no longer displays a program restriction code or a provider's Physician's and/or pharmacy's or HMO's name for the recipient.

D) If the services are determined to be medically unnecessary, the recipient will be notified in writing of the continued restriction. The Department may designate a different Primary Care Physician, Primary Care Pharmacy or Health Maintenance Organization. The criteria in subsection (d) of this Section shall ~~apply~~ ~~as~~ ~~set~~ ~~forth~~ ~~in~~ ~~subsection~~ ~~(c)~~ ~~above~~ ~~---such~~ ~~notification~~ ~~shall~~ ~~provide~~ ~~twenty-one~~ ~~(21)~~ ~~calendar~~ ~~days~~ ~~for~~ ~~the~~ ~~recipient~~ ~~grantee~~ ~~or~~ ~~caretaker~~ ~~relative~~ ~~to~~ ~~cooperate~~ ~~by~~ ~~completing~~ ~~and~~ ~~returning~~ ~~to~~ ~~the~~ ~~Department~~ ~~a~~ ~~form~~ ~~which~~ ~~designates~~ ~~a~~ ~~new~~ ~~Primary~~ ~~Care~~ ~~Physician~~ ~~and/or~~ ~~Primary~~ ~~Care~~ ~~Pharmacy~~ ~~or~~ ~~the~~ ~~selection~~ ~~of~~ ~~a~~ ~~Health~~ ~~Maintenance~~ ~~Organization~~ ~~in~~ ~~the~~ ~~event~~ ~~the~~ ~~Department~~ ~~is~~ ~~not~~ ~~provided~~ ~~with~~ ~~a~~ ~~response~~ ~~within~~ ~~the~~ ~~twenty-one~~ ~~(21)~~ ~~calendar~~ ~~day~~ ~~period~~ ~~a~~ ~~Primary~~ ~~Care~~ ~~Physician~~ ~~and/or~~ ~~Primary~~ ~~Care~~ ~~Pharmacy~~ ~~will~~ ~~be~~ ~~designated~~ ~~by~~ ~~the~~ ~~Department~~ ~~in~~ ~~accordance~~ ~~with~~ ~~subsection~~ ~~(d)~~ ~~(2)~~. This notice will also contain a statement relating to the medical necessity of services consistent with the findings of the Professional consultants; a statement advising the recipient of his or her right to appeal; and a toll-free number to call for information.

3) If the restriction is continued, ~~the recipient shall continue to be restricted for an additional four full quarters~~ ~~---Subsequent to this four-quarter period~~, a review will be conducted in accordance with subsection ~~(b)(2)~~ (g)(2) of this Section, subsequent to the additional eight quarter period.

4) A recipient who has been restricted under this Section, is released and then is restricted under this Section a subsequent time, shall be restricted for a period of eight full quarters. Subsequent to this eight quarter period, a review will be conducted in accordance with subsection (g)(2) of this Section. ~~h) <sup>1</sup> Recipients have the right to appeal inclusion in the program. (See 89 Ill. Adm. Code 102.80 thru 102.84.)~~

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(Source: Amended ~~6~~ at 19 Ill. Reg. ~~effective~~ ~~1996~~ )



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2520.573	New Section	19 Ill. Reg. 15319
2520.575	New Section	19 Ill. Reg. 15319
2520.577	New Section	19 Ill. Reg. 15319
2520.580	New Section	19 Ill. Reg. 15319
2520.583	New Section	19 Ill. Reg. 15319
2520.585	New Section	19 Ill. Reg. 15319
2520.587	New Section	19 Ill. Reg. 15319

11) Statement of Statewide Policy Objectives: This emergency rulemaking does not affect units of local government.

12) Information and questions regarding these amendments shall be directed to:

David T. Rothal  
Staff Attorney  
Illinois Department of Human Rights  
100 West Randolph Street  
Suite 10-100  
Chicago, IL 60601  
Telephone Number: 312-814-6242  
T.D.D.: 312-263-1579

The full text of the Emergency amendments begins on the next page:

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- 1) Heading of the Part: Procedural
- 2) Code Citation: 56 Ill. Adm. Code 2520
- 3) Section Numbers:  
2520.10 Amendment  
2520.440 Amendment
- 4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1-7B].
- 5) Effective Date of Amendment: March 15, 1996

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: These amendments will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: March 15, 1996

8) Reason for Emergency: Emergency rules are necessary because the Governor signed Public Act 90-0370 on August 18, 1995. The timing of the passage of the bill was beyond the Department's control, and therefore, the necessity of the rules is beyond the Department's control. The public interest and welfare require that the Department's charges be investigated as expeditiously as possible, and Public Act 90-370 provides strict time limits for the processing of charges. Public Act 90-370 is effective for charges filed on or after January 1, 1996, and therefore, without emergency rules, the Department will not have a definition for "good cause" as required by Section 7A-102(C)(4) of the Act. Irreparable prejudice, delay and loss of due process may result to the parties if the Department cannot enforce its scheduled fact finding conferences. Interested persons have been informed by letter of the intent to publish emergency rules. The emergency rules are limited in scope to comply with the statutory changes brought about by Public Act 90-370 and are the only emergency rules filed by the Department within the past 24 months, except for those at 20 Ill. Adm. Code 445, which also addressed Public Act 90-370.

9) A Complete Description of the Subjects and Issues Involved: The proposed rules provide a definition of "good cause" pursuant to Section 7A-102(C) (4) and procedures for applying pursuant to a recent amendment to the Human Rights Act.

10) Are there any proposed amendments to this Part Pending? Yes

Section Numbers	Proposed Action	Illinois Register Citation
2520.10	Amendment	19 Ill. Reg. 15319
2520.560	Amendment	19 Ill. Reg. 15319

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TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER II: DEPARTMENT OF HUMAN RIGHTSPART 2520  
PROCEDURAL

## SUBPART A: INTERPRETATIONS

Section	Definition of Terms
2520.10	
Emergency	
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

## SUBPART B: CHARGE

Section	
2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

## SUBPART C: PROCEDURE UPON CHARGE

Section	
2520.410	Docketing and Service of Charge (Repealed)
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference
Emergency	
2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)
2520.470	Conciliation (Repealed)
2520.480	Complaint (Repealed)

## SUBPART D: SETTLEMENTS

Section	
2520.510	Settlement
2520.520	Non-Disclosure (Repealed)

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2520.530 Dismissal for Refusal to Accept Settlement Offer (Repealed)  
 2520.540 Non-Compliance with Settlement Terms (Repealed)

## SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section	
2520.550	Administrative Closure
2520.560	Dismissal
2520.570	Default

## SUBPART F: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section	
2520.610	Scope and Purpose (Repealed)
2520.620	Definitions (Repealed)
2520.630	Cooperative Agreements
2520.640	Nature of Cooperative Agreements
2520.650	Training and Technical Assistance
2520.660	Promotion of Communication and Goodwill

SUBPART G: EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION  
BY STATE EXECUTIVE AGENCIES

Section	
2520.700	Definitions
2520.710	Scope and Purpose
2520.720	Affirmative Action Groups
2520.730	Consideration of Additional Groups
2520.740	Definitions (Renumbered)
2520.750	Nondiscrimination (Repealed)
2520.760	Plans
2520.770	Reporting and Record-Keeping
2520.780	Equal Employment Opportunity Officers
2520.790	Complaint Process
2520.795	Compliance Reviews
2520.797	Sanctions for Noncompliance

APPENDIX A Contents of Affirmative Action Plans  
APPENDIX B Value Weight Assignment Chart

AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105 (A)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September

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17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. 15556, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; emergency amendment at 20 Ill. Reg. 445, effective January 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days.

## SUBPART A: INTERPRETATIONS

**Section 2520.10 Definition of Terms**  
EMERGENCY

For purposes of this Part, the following terms shall have the meanings indicated:

Act -- shall mean the Illinois Human Rights Act [775 ILCS 5].

Charge -- shall mean an allegation of a civil rights violation filed with or initiated by the Department, and with regard to Subpart F, one filed with a local human rights agency.

Commission -- shall mean the Illinois Human Rights Commission or, where appropriate, a panel of three Commissioners.

Complainant -- shall mean a person who files a charge or a complaint, including the Department in the case of a charge initiated by the Department.

Complaint -- shall mean a written complaint for hearing filed with the Commission.

Days -- shall mean calendar days.

Department -- shall mean the Department of Human Rights.

Director -- shall mean the Director of the Department or a duly authorized designee.

Good cause -- as used in this Part and in Section 7A-102(C)(4) of the Act [775 ILCS 5/7A-102(C)(4)] means conditions such that a reasonable person would not attend a fact finding conference.

Local Agency -- shall mean any department, commission or other instrumentality of a municipality or other political subdivision of the State of Illinois, or of two or more such political subdivisions acting jointly, which is duly established to serve purposes consistent

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with those of the Human Rights Act.

Party -- shall mean the complainant or respondent.

Person -- shall have the same meaning as in Section 1-103 of the Act [775 ILCS 5/1-103].

Respondent -- shall mean a person against whom a charge or complaint is filed.

Unlawful Discrimination -- shall mean any form of discrimination prohibited under the Act or under a local ordinance administered by a local agency.

(Source: Emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days).

## SUBPART C: PROCEDURES UPON CHARGE

**Section 2520.440 Fact-Finding Conference**  
EMERGENCY

- a) Notice. As part of its investigation, the Department may convene a fact-finding conference for the purpose of obtaining evidence, identifying the issues in dispute, ascertaining the positions of the parties and exploring the possibility of a negotiated settlement. Notice of the conference shall be given to all parties at least ten days prior thereto, and shall identify the individuals requested to attend on behalf of each party. ~~These~~ The time provisions ~~contained in this subsection~~ may be waived by agreement of the parties and the Department.
- b) Attorneys, Witnesses. A party may be accompanied at a fact-finding conference by his/her attorney or other representative, and by a translator if necessary. An attorney for a party not previously having entered an appearance must do so at the beginning of the conference. The parties may bring witnesses to the conference in addition to those whose attendance ~~is~~ may--be mandated by the Department.
- c) Conduct. The investigator or other employee of the Department shall conduct the conference and control the proceedings. No tape recording, stenographic report or other verbatim record of the conference can be made. The investigator shall decide which witnesses shall be heard and the order in which they are heard. The investigator may exclude witnesses and other persons from the conference, except that each party and one its representative and a translator shall be permitted to remain.
- d) Dismissal or Default for Non-attendance.
  - 1) For charges filed before January 1, 1996, the failure of a

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF EMERGENCY AMENDMENT

party to attend the conference without good cause after due notice may result in dismissal of the charge pursuant to Section 2520.560 of this Part, in the case of a complainant, or default pursuant to Section 2520.570 of this Part, in the case of a respondent. For charges filed on or after January 1, 1996, the failure of a party to attend the conference without good cause after due notice shall result in dismissal of the charge pursuant to Section 2520.560 of this Part, in the case of a complainant, or default pursuant to Section 2520.570 of this Part, in the case of a respondent.

- 2) A party who appears at the conference exclusively through an attorney or other representative unfamiliar with the events at issue shall be deemed to have failed to attend, unless, with respect to a respondent, it establishes that it does not employ or control any person with knowledge of the events at issue.

- 3) Pursuant to this Section and Section 7A-102(C)(4) of the Act, good cause may include, but shall not be limited to:

- A) death or sudden, serious illness of a party scheduled to attend the fact finding conference; or  
 B) death or sudden, serious illness of an immediate family member of a party scheduled to attend the fact finding conference.

If more than one person from a respondent is scheduled to attend the fact finding conference, the inability of one person to attend shall not excuse the absence of others who are scheduled to attend.

- 4) In assessing good cause, the factors which the Department may consider shall include, but shall not be limited to, whether the party has provided timely notice of its inability to attend the fact finding conference and whether the party has complied with the Department's request for documentation of the reason for not attending the conference.

- 5) Whether good cause exists and whether a fact finding conference is rescheduled are in the sole discretion of the Department.

(Source: Emergency amendment at 20 Ill. Reg. \_\_\_\_\_, effective March 15, 1996, for a maximum of 150 days).

5084

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act

- 2) Code Citation: 8 Ill. Adm. Code 125

- 3) Section Numbers: Peremptory Action:  
125.200 Amended

- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); 60 FR 66482.

- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650/16].

- 6) Effective Date: March 19, 1996

- 7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat inspection program as required by the Federal Meat Inspection Act and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to meat inspection are hereby adopted.

The Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture is amending the Federal meat inspection regulations "to permit the use of the Fast Antimicrobial Screen Test (FAST) in its bob veal calf residue testing program. Under FSIS' residue testing program, carcasses of bob veal calves are subject to specific regulatory requirements for residue testing by FSIS inspectors to assure that adulterated meat does not enter human food channels. Until recently, the Calf Antibiotic and Sulfonamide Test (CAST) was the only official test authorized for use in the bob veal calf residue testing program... This action will permit the use of FAST in lieu of CAST under FSIS' bob veal calf residue testing program." (Federal Register, page 66482, December 22, 1995 issue). Section 310.21(c) of 9 CFR Part 310 of the Federal regulations was amended effective February 20, 1996 and is hereby incorporated into Illinois' meat and poultry inspection regulations at Section 125.200.

- 8) Does this rulemaking contain an automatic repeal date? No

- 9) Date Filed in Agency's Principal Office: March 15, 1996

- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.

- 11) Are there any proposed amendments pending to this Part? No



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield, Illinois 62794-9281  
Telephone: 217/785-5713; Facsimile: 217/785-4505

The full text of the Peremptory amendment begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

## PART 125

## MEAT AND POULTRY INSPECTION ACT

## SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

## SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products
125.300	Special Services Relating to Meat and Other Products

DEPARTMENT OF AGRICULTURE  
NOTICE OF PEREMPTORY AMENDMENTS  
SUBPART C: POULTRY INSPECTION

- 125.305 Exotic Animal Inspection
- Section
- 125.310 Application of Inspection
- 125.320 Facilities for Inspection
- 125.330 Sanitation
- 125.340 Operating Procedures
- 125.350 Ante-Mortem Inspection
- 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
- 125.370 Handling and Disposal of Condemed or Inedible Products at Official Establishments
- 125.380 Labeling and Containers
- 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
- 125.400 Definitions and Standards of Identity or Composition
- 125.410 Transportation; Sale of Poultry or Poultry Products

**AUTHORITY:** Implementing and authorized by the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

**SOURCE:** Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19918, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective

DEPARTMENT OF AGRICULTURE  
NOTICE OF PEREMPTORY AMENDMENTS

August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. **5091**, effective March 19, 1996.

## SUBPART B: MEAT INSPECTION

## Section 125.200 Post-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 310(a) and 310.2 through 310.21, and 310.23 (1990; 55 FR 7472, effective May 31, 1990; 60 FR 66482, effective February 20, 1996); 55 FR 29564, effective August 20, 1990), except that the preparation of meat and meat products for nonhuman food purposes (e.g., dog food) is not permitted at an official establishment. The preparation of nonhuman food products must be done in establishments licensed under the Illinois Dead Animal Disposal Act.
- b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310(a) shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.
- c) In the case of emergency slaughter and where a veterinarian was obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified as set forth in 9 CFR 310.2 and held for the inspector. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.
- d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.
- e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of an official establishment for handling devices shall be approved if such method will accomplish the specific provisions as stated in the paragraph.
- f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.
- g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.
- h) References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.
- i) Facilities for handling and inspecting cow udders shall be as set forth in "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted in Section 125.200.

(Source: Peremptory amendment at 20 Ill. Reg. **5091**, effective

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

March 19, 1996)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

NOTICE OF PROPOSED SETTLEMENT  
PEOPLE V. CITY OF QUINCY ET AL.

You are hereby notified that Illinois Attorney General, James E. Ryan, on behalf of the Illinois Environmental Protection Agency (IEPA), has reached a proposed settlement with the City of Quincy, Bridgestone/Firestone, Inc., Gardner-Denver Machinery, Inc., Browning-Ferris Industries of Quincy, Illinois, Inc., Motorola, Inc., Coltec Industries, Inc., and Harris Corporation, regarding the former municipal landfill known as the Adams County Quincy Landfills 2 & 3 located at Quincy, Adams County, Illinois. The proposed settlement will result in an order directing these parties to implement and complete remedial actions selected by IEPA and to reimburse costs incurred for response, remedial and investigative activities undertaken by the State of Illinois as a result of the release or threatened release of hazardous substances at or around the site.

## PUBLIC COMMENT

Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9601, et seq., you have thirty (30) days from the date of this Notice to file written comments relating to the proposed settlement. If such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate, consent to the proposed settlement may be withdrawn or withheld.

You may view a copy of the proposed settlement at the Illinois Attorney General's Office, 500 South Second Street, Springfield, Illinois, or obtain a copy (at no charge) by calling or writing to IEPA's FOIA Officer, Diana Gobelman, at (217) 782-9890, fax: (217) 782-3258, Illinois Environmental Protection Agency, 2200 Churchill Road, Post Office Box 19276, Springfield, Illinois 62794-9276.

You may send written comments relating to the proposed settlement by sending them to:

Mary Gade, Director  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Comments received or postmarked within thirty (30) days from the date of this notice shall be considered.

Mary Gade, Director  
Illinois Environmental Protection Agency  
Thomas David, Chief  
Environmental Bureau

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Illinois Attorney General's Office



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures to be followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions
- 2) Code Citation: 35 Ill. Adm. Code 276
- 3) Register Citation to Notice of Proposed Amendments:  
20 Ill. Reg. 4100 March 15, 1996
- 4) Date, Time and Location of Public Hearing:  
The Agency will hold a public hearing for this proposed rulemaking on April 10, 1996 at 1:00 P.M. at:

Room 8-032  
James R. Thompson Center  
100 W. Randolph St.  
Chicago, IL 60601

- 5) Other Pertinent Information: None

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Personnel Records Review Act
- 2) Code Citation: 56 Ill. Adm. Code 355
- 3) Register Citation to Notice of Proposed Rules: 20 Ill. Reg. 3729 (March 1, 1996)
- 4) Date, Time and Location of Public Hearing:  
Friday, April 26, 1996  
10:00 A.M.  
Illinois Department of Labor  
160 North LaSalle St., Suite C-1300  
Chicago, IL 60601
- 5) Other Pertinent Information:  
The hearing will be held for the sole purpose of gathering public comment on the proposed Rules. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Labor will adhere to the following procedures in the conduct of the hearing:

- a. No oral testimony shall exceed an aggregate of twenty (20) minutes.
- b. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- c. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
- d. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

- 6) Name and Address of Agency Contact Person: Questions regarding these proposed Rules or the public hearing shall be directed to:

Scott D. Miller  
Chief Legal Counsel  
Illinois Department of Labor  
160 North LaSalle St., Suite C-1300  
Chicago, IL 60601  
(312) 793-1805

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 12, 1996 through March 18, 1996 and have been scheduled for review by the Committee at its March 26, 1996 or April 23, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/1/96	Department of Financial Institutions, Uniform Disposition of Unclaimed Property Act (38 Ill Adm Code 180)	12/15/95 19 Ill Reg 16426	3/26/96
4/25/96	Department of Insurance, Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill Adm Code 2008)	12/15/95 19 Ill Reg 16430	4/23/96
4/26/96	Department of Central Management Services, Travel (80 Ill Adm Code 2800)	1/19/96 20 Ill Reg 942	4/23/96
4/26/96	Department of Central Management Services, The Travel Regulation Council (80 Ill Adm Code 3000)	1/19/96 20 Ill Reg 935	4/23/96
4/26/96	Illinois Health Facilities Authority, Sale of Bonds (77 Ill Adm Code 1400)	1/5/96 20 Ill Reg 91	4/23/96
4/27/96	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	7/21/95 19 Ill Reg 10363	4/23/96
4/27/96	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	1/19/96 20 Ill Reg 1133	4/23/96
4/27/96	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)	12/22/95 19 Ill Reg 16798	4/23/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

Date	Department of	Public Aid, Medical	12/22/95	4/23/96
4/27/96	Payment (89 Ill Adm Code 140)	19 Ill Reg 16778		
4/27/96	Department of Public Aid, Developmental Disabilities Services (89 Ill Adm Code 144)	12/22/95 19 Ill Reg 16765		4/23/96
4/27/96	Department of Public Aid, Demonstration Programs (89 Ill Adm Code 170)	7/21/95 19 Ill Reg 10381		4/23/96
5/1/96	Department of Nuclear Safety, Licensing Requirements for Land Disposal of Radioactive Waste (32 Ill Adm Code 601)	1/19/96 20 Ill Reg 984		4/23/96
5/1/96	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	12/15/95 19 Ill Reg 16483		4/23/96
5/1/96	Department of Revenue, Service Occupation Tax (86 Ill Adm Code 140)	12/15/95 19 Ill Reg 16500		4/23/96
5/1/96	Department of Revenue, Use Tax (86 Ill Adm Code 150)	12/15/95 19 Ill Reg 16511		4/23/96
5/1/96	Department of Revenue, Service Use Tax (86 Ill Adm Code 160)	12/15/95 19 Ill Reg 16507		4/23/96

Rules acted upon during the quarter of January 1 through March 31, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatate@ccgate.sos.state.il.us (Internet address).

**PROPOSED**

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68-590-4	89-880-7	
68-610-4	89-554-6	
68-1160-6	89-1040-6	
68-1240-7	92-1030-9	
68-1247-6	92-1060-9	
74-420	68-1470-11	
74-440-2		<b>EMERGENCY</b>
77-245-7	14-135-1	14-135-1
77-250-7	14-140-1	14-140-1
77-515-7	14-145-1	14-145-1
77-694-8	20-1520-7	20-1520-7
77-695-6	20-1280-1	20-1280-1
77-750-7	56-2520-13	56-2520-13
77-760-7	56-5300-1	56-5300-1
77-905-6	77-245-1	77-245-1
77-1110-12	77-250-1	77-250-1
77-2070-7	77-280-1	77-280-1
77-2080-7	77-300-1	77-300-1



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(STATE)

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